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CLEVELAND CHANGES FRONT.

**He Was Once in Favor of an
Hawaiian Cable.**

MR. BLAINE'S EARNEST SUPPORT.

A Committee Regarded the Project as a
Measure of High National Concern—
A Danger That Trade May be Diverted
to Canada if the English Succeed.

The willingness of the Hawaiian
authorities to grant cable concessions
to Great Britain is due to their great
desire to establish quick communi-
cation with this continent, coupled with
their belief that the United States
Government will give no financial aid
to an independent cable line between
the United States and Hawaii, says
a late Washington Star. A bill
for aiding an enterprise which pro-
posed laying a wire between California
and Honolulu came up in the last
Congress, but was amended in the
House by providing simply for a sur-
vey. The main objection to the ap-
propriation in aid of the cable was
that, as the islands were not a part
of our territory, there was no national
obligation to assist an enterprise to
establish connection with them.

There was not a sufficient promise
of business for such a line to justify it
as a purely commercial enterprise.

The practicability of a cable line be-
tween the United States and Hawaii
is fully established by four surveys
made by the Tuscarora, Albatross and
Thetis. The surveys of the Tuscarora
were made many years ago, but those
of the Albatross and Thetis were made
between October, 1891, and May, 1892.

The general conclusion reached by
Lieutenant Commander Clover of the
hydrographic office, as a result of
these surveys, is that a practicable
line exists on the route to Hawaii,
having an average breadth of 300
miles, along which, at various points,
are sharp peaks, arising abruptly
toward the surface of the ocean. Ac-
cording to this authority, the most
suitable route is along a mercator line
between Monterey bay and Honolulu,
a distance of about 2100 miles. This
requires a minimum length of cable,
while the bottom is chiefly ooze,
which is known to be the best for pre-
serving the sheathing unimpaired.

The surveys showed the existence of a
great plateau between the two coun-
tries. The deepest sounding was 3168
fathoms, formed by a large valley
that fell 4000 feet below the surround-
ing level. The greatest elevation
above surrounding levels was 9500
feet. Coral formations near Honolulu
would probably require the cable to
be incased in steel armor at that point.

There is a trans-Pacific cable already
laid and working between Queensland
and New Caledonia, a distance of
about 800 miles, and the French com-
pany that built it is planning to con-
tinue it by way of the Fiji and Samoa
to Hawaii, and thence to this con-
tinent. Whether the line, if the ex-
tensions are made, will run from
Honolulu to British Columbia or to
some point in California, it is said,
depends on the offers that may be
made to those interested in the en-
terprise. The establishment of a British
cable station on one of the Hawaiian
islands would possibly cause the aban-
donment of the French project.

In February, 1891, Mr. Chipman,
from the Committee on Foreign Af-
fairs, submitted a report recommend-
ing the passage of the bill to incorpo-
rate the Pacific Cable Company for the
purpose of laying a submarine tele-
graph from San Francisco to the
Hawaiian Islands, and thence via
Samoa to New Zealand, and also to
Japan, and providing an annual sub-
sidy of \$150,000 for fifteen years.

In concluding their report the com-
mittee said: "Your committee regard
the establishment of submarine elec-
tric telegraph between San Francisco
and Hawaii as a measure of high na-
tional concern, which will be an
efficient factor not only in securing
Hawaiian autonomy as long as the in-
terests of the United States require, and
a firm and permanent American in-
fluence in the Hawaiian Islands, but
in securing for our country the com-
merce of the Pacific ocean and the
trade of the Australasian continent.

We also think that unless such action
is proposed in the bill be taken at
this session, the danger is great that
a large proportion of that trade and
commerce will be diverted to Canada
and England. For the reasons here-
named, if there were no other consid-
erations which occur to those observ-
ant of public affairs, it appears to
your committee that this bill ought to
be enacted."

In a letter to the committee, dated
January 22, 1891, Secretary Blaine
summarized his support of the propo-
sition in the following vigorous words:
"I have no doubt of the great im-
portance to the United States of pos-
sessing cable communication with
Hawaii. Besides subserving the close
interests which we maintain with
those islands, and tending to exert a
positive and potential influence on
the political autonomy of the Hawai-
ian group, such a cable would be a
necessary factor in a great scheme of
direct communication with China and
Japan, and with Australasia by way
of the Samoan Islands

In the course of events, telegraphic
communication throughout the Pacific
ocean and with the shores of America,
Asia and Australasia is indispensable
and certain to come. The section join-
ing Hawaii to the American con-
tinent, besides being the shortest and
least costly link in the general chain,
is by far the most important from
political points of view; and I deem it
of the highest consequence to the
United States that it be promptly con-
structed by American effort, and with
the sanction of our government."

In view of subsequent events in the
political history of the United States
the following extracts from the mes-
sage of President Cleveland to Con-
gress, dated December 3, 1883, indors-
ing the American cable project, have
a strange and unnatural sound:

"Proclamation was duly made on
the 9th day of November, 1887, of the
conventional extensions of the treaty
of June 3, 1875, with Hawaii, under
which relations of such special and
beneficent intercourse have been cre-
ated.

"In the vast field of oriental com-
merce now unfolded from our Pacific
borders no feature presents stronger
recommendations for congressional ac-
tion than the establishment of com-
munication by submarine telegraph
with Honolulu.

"The geographical position of the
Hawaiian group, in relation to our
Pacific States, creates a natural inter-
dependency and mutuality of interest
which our present treaties were in-
tended to foster, and which make close
communication a logical and commer-
cial necessity."

That President Cleveland may now
be justly expected to exercise his
"good offices" in giving Great Britain
a manifold advantage over the United
States, in the matter of quick com-
munication with the Hawaiian Re-
public, is evidenced by the message
he sent to Congress on the 9th instant.
In that message he indorsed the pro-
position for a British cable station on
the islands in the following words:

"I hope Congress will see fit to
grant the request of the Hawaiian
Government, and that our consent to
the proposed lease will be promptly
accorded. It seems to me we ought
not, by a refusal of this request, to
stand in the way of the advantages to
be gained by isolated Hawaii through
telegraphic communication with the
rest of the world, especially in view of
the fact that our own communication
with that country would thereby be
greatly improved without apparent
detriment to any legitimate American
interest."

MUCH SMOKE BUT LITTLE FIRE.
A Blaze Discovered in Henry Ber-
telmann's Carpenter Shop.

Believed To Be the Act of An Incen-
dary—Some Minutes Before the
Fire Was Located.

That unsightly row of wooden
shanties on King street, opposite
Cunha's new building, escaped de-
struction by fire last night owing
to the prompt discovery of the
blaze and the subsequent work of
the fire department.

About 10 o'clock a dense volume
of smoke was seen issuing from
one of the buildings situated next
to a Chinese shop. An alarm was
turned in. When the department
arrived smoke was forcing its way
out of the front of the stores on
either side. The fire could not be
located for a few moments, but
when it was a strong stream of
water extinguished it in short
order.

The blaze started in Henry Ber-
telmann's carpenter shop. The
front of the building is occupied
by the Pacific Transfer Company
and Molteno's barber shop. The
fire started in a loft and was kept
confined by a corrugated iron roof.
An opening was cut in the roof,
through which the hosepipe was
inserted. The blaze had not made
much headway on account of the
absence of any draught. The dam-
age will not amount to much.

The property is owned by James
W. Austin, of Boston, Mass.
Bishop & Co. are the agents.
Bertelmann's shop has been under
arrest. This fact caused Deputy
Marshal Brown to start an investi-
gation last night. He is of the
opinion that the place was set on
fire. What object the incendiary
had in view cannot be conjectured.

Some of the bystanders were
afraid that some bombs might have
been hidden in the shop, and were
a trifle nervous in consequence.

The exposure to all sorts and con-
ditions of weather that a lumberman
is called upon to endure in the camps
often produces severe colds which,
if not promptly checked, result in con-
gestion or pneumonia. Mr. J. O.
Davenport, ex manager of the Fort
Bragg Redwood Co. an immense in-
stitution at Fort Bragg, Cal., says
they sell large quantities of
Chamberlain's Cough Remedy at the
company's store and that he has
himself used this remedy for a severe
cold and obtained immediate relief.
This medicine prevents any tendency
of a cold toward pneumonia and in-
sures a prompt recovery. For sale
by all dealers. BENSON, SMITH & Co
Agents for H. I.

HE TELLS A DIFFERENT TALE.

**V. V. Ashford Denies All Know-
ledge of the Late Uprising.**

ONLY GAVE NOWLEIN ADVICE.

**C. W. Ashford Gives Evidence in the
Case—Meeting of V. V. Ashford and
Nowlein on Waikiki Road—Witnesses
Relate Movements of Defendant.**

Legal sparring, connected with the
admission of evidence relating to the
official commissions drawn up by
Liliuokalani for her new government,
was the principal feature of yesterday
morning's session of the Military Com-
mission. The Judge-Advocate closed
the testimony against V. V. Ashford
at noon, when witnesses were put on
the stand by Attorney Neumann in
defense of his client.

The morning session opened shortly
after 9:30 o'clock. Charles Warren
was the first witness called, and told
his connection with the landing of the
arms, but gave no direct testimony
against Mr. Ashford. George Towns-
end was sworn, and stated that he
assisted in landing arms from the
Waimanalo, and was on board the
steamer. After the arms had been
landed on Rabbit Island he came back
to Washington Place and reported the
fact to Sam Nowlein.

Attorney-General W. O. Smith tes-
tified that the first knowledge that
the Government had that arms had
been landed was on the night of Jan.
6th; knew nothing of it before.

W. F. Kaee, who has acted as the
ex queen's private secretary since
January, 1893, furnished the testi-
mony that called for a difference of
opinion between Mr. Neumann and
Captain Kinney. Kaee stated that he
did some work connected with draw-
ing up the commissions for the offices
of the Liliuokalani government about
December 23, 1894. There were eleven
commissions. Witness was instructed
how to fill them out by C. T. Gulick.
The ex-queen signed the commissions,
after which Kaee put them in an en-
velope and handed them to her; did
not know where they went to; thought
Mrs. Dominis destroyed them. When
the witness was asked to state the
contents of the documents, Counsel
Neumann objected on the ground that
the documents were evidence in them-
selves. Captain Kinney stated that
the documents could not be obtained,
and he must place his evidence in
another form.

The Court retired for consultation,
and ruled that evidence on the con-
tents of the documents would be al-
lowed, it being shown that they were
of reasonable intent, and the Judge-
Advocate could not obtain them to
put them in evidence.

The witness then told the personnel
of the proposed government, with V.
V. Ashford, Associate Justice of the
Supreme Court, C. W. Ashford, At-
torney-General, as has been previously
published. He stated that C. W.
Ashford had called on the ex-queen
twice during the month of De-
cember, once during the trial,
of Bush and Nawahi; could not re-
member whether the visits were be-
fore or after Mrs. Dominis signed the
commissions.

On cross-examination Kaee said he
had been clerk for the late queen; did
all the writing for her; was guard at
the same time, she did some law busi-
ness connected with the Dr. McKibbin
property at her home; commissions
were signed about December 28th at
Washington Place; after she signed
them the witness put them in an en-
velope and handed to her. Don't
know that anyone witnessed the sig-
nature; no one present but witness
and ex-queen; had worked for her
since January, 1893. Witness made
his first statement at the station house
after his arrest. He was asked ques-
tions and told all he knew; asked if he
drew up the commissions and said
yes. When asked if he had been
threatened before or while the state-
ment was made, Kaee hesitated and
finally said, "They said to me I was
liable to be hung if I did not tell the
truth, I told the truth." Mr. Kinney
had talked with him. On being ques-
tioned by Captain Kinney, Kaee ad-
mitted that he was told that the Gov-
ernment knew all about the affair
and that he had done something
which was punishable by hanging;
he had not been directly threatened
with hanging.

After a recess of half an hour for the
purpose of allowing V. V. Ashford to
procure some papers from his office,
the Court reassembled at 11:50. Mr.
Neumann announced he was ready to
proceed and would call C. W. Ashford
as the first witness. The Court took
a recess until 1:15 p. m.

AFTERNOON SESSION.
Paul Neumann asked that the evi-
dence of William Kaee be stricken
out as it was not pertinent testimony.
He objected most to the statement
that V. V. Ashford had been appointed
an Associate Justice and that his
commission had been made out.

Captain Kinney suggested that
Ashford be placed on the stand to
deny that he was not aware that he
had been appointed to the supreme
bench. The defendant had full know-
ledge of the conspiracy, he knew about

the landing of the arms and in many
ways was cognizant of the rebellion.

Mr. Neumann said that the testi-
mony did not connect the defend-
ant. The Judge-Advocate replied that
it did. "Enough," he said, "to put
him on his defense."

The Court retired to consider the
objection and decided to sustain Mr.
Neumann's objection.

C. W. Ashford was called for the
defense. He stated that he knew
Nowlein; had business intercourse
with him covering a few weeks prior
to the present year; he last spoke to
him on Saturday, December 23; had
not spoken to him since; he bowed to
him on the 5th of January; he had not
written to Nowlein; they discussed at
different times two points: one, in
connection with an anticipated search
of Washington place for arms; and a
rumor about the wholesale arrest of
royalists; at this point they talked over
some business matters; he could not
say how many times he had talked to
Nowlein; it was about six; Nowlein
called at his office without being
asked, with the exception of one busi-
ness visit; Nowlein had said nothing
to witness about overthrowing the
Government; he discussed with Now-
lein about the evidence brought out in
the Bush, Crick and Nawahi con-
spiracy case; they did not talk about any
of Nowlein's plans; witness heard
rumors; did not receive any knowl-
edge of the receipt of arms; he did not
know anything about the bringing of
arms until he returned from Hilo; this
was on the 4th inst.; he did not com-
municate anything to his brother about
the uprising; he saw his brother on
the day he returned; was not sure
that was Friday, the 28th; was one of
the days when he talked to Nowlein;
there was a time about that date when
he called; witness remarked, "I see
you are not in custody;" he read
Nowlein a strong lecture, and de-
clined to have anything to do with
any plans; Nowlein said nothing
about his plans at the time; Nowlein
asked him not to go to Hilo; witness
refused, stating that he could not
neglect business; Nowlein replied that
if he went away they would get in
trouble; he was afraid that they might
be arrested; witness suggested that
his brother be consulted in case a law-
yer's advice was needed; witness in-
formed his brother of the conversa-
tion had with Nowlein; told him that a
case would be in relation to the who-
sale arrest of royalists; there was no
arrangement made for witness and
his brother to meet Nowlein; when he
last saw Nowlein witness had not
made up his mind to go to Hilo; wit-
ness denied the Waikiki road meet-
ing; his advice to Nowlein was, if the
officers came with warrants they
would search; there would only be
one way to prevent it, and that was
fight; he said as soon as you begin to
fight you will get in trouble; told
Nowlein to request officers not to
search until witness could be called,
so he could examine the warrant to
see if it was regular and legal; did not
know that the Waimanalo was
employed to land arms; had heard
rumors about natives and Chi-
nese arming themselves; wit-
ness made no arrangement
whereby his brother and Nowlein
would meet on the Waikiki road;
Nowlein's statement is untrue; at no
time did he communicate to Nowlein
that he had received word from his
brother that an uprising was to take
place.

Cross-examined:—Could not remem-
ber the date of Nowlein's first visit; it
was in December; the first half, con-
versation was in his office; no one was
present at this interview; they talked
about a land question, the arrest of
Crick, Bush and Nawahi, and the prob-
able arrest of the royalists; he sent
a message to Nowlein to meet him at
Waikiki; wanted to see him in regard
to the Bush-Crick conspiracy case,
wanted to get some information bear-
ing on the case; he sent a hackman for
Nowlein.

In answer to the question, "Who
was the hackman?" the witness de-
clined to answer. Judge-Advocate
Kinney appealed to the Court.

The Court decided that he would
have to answer.

The witness consented, and said it
was a native named Keala, who drove
hack No. 138, at the I X L stand; he
told Keala to find Nowlein and tell
him to meet witness at Long Branch;
they remained at the beach for about
half an hour; he talked to Nowlein
and with C. B. Wilson, who were
there; when witness arrived, Nowlein
and Wilson were talking together;
after he transacted his business, he
drove through the Park to Waikiki
and then went home; he saw Nowlein
the same night at his house; he said
I have heard down town that a crowd
of police had been sent to Bush's place
to search for arms; Nowlein said he
was afraid they would go to Wash-
ington Place on the same errand.

He asked what he would do; witness
replied that he would have to submit
or fight; it would be foolish to do the
latter; witness would not state what
the nature of his conversation with
Nowlein was at the meeting
at the Long Branch the meet-
ing was a perfectly legitimate
one, and there was no significance
in the meeting; it was not true that he
had received a message on that day
from the queen; Nowlein renewed his
request for advice at Long Branch;
the advice did not seem to please
Nowlein, who appeared worried and
ill at ease, Wilson interrupted the
conversation several times, when they
parted Nowlein had a proper idea of
what witness thought of the search
warrant question, he saw Nowlein on
five occasions, Nowlein called twice at
his office; the second visit was devoted
to discussing the evidence in the Bush-
Nawahi conspiracy case, he took oc-
casion to criticize the native move-
ment and gave his opinion as to it be-
ing an absurd one; at this time he
expressly stated to Nowlein that he
did not want to know his plans, wit-

(Continued on page 5.)

BOWLER'S WRITTEN STATEMENT

He Is an Injured Man According To Its Wording

ASHFORD OBJECTS TO COURT.

He Does Not Want Captains Ziegler or Pratt to Pass Judgment on Him—F. Neumann Says the Court Cannot Try Bowler—Captain Kinney's Answer.

The principal part of the sessions of the Military Commission Tuesday were devoted to Mr. Neumann's endeavors to argue the Commission out of existence and Captain Kinney's equally strong support of that body.

The Court opened promptly at 10 a. m. After the reading of the minutes Mr. Neumann stated he had no evidence to submit beyond a statement made by Mr. Bowler. Attention was then turned to the objections to the jurisdiction made by the defense, which are as follows:

John F. Bowler being arraigned upon a charge of misprision of treason, makes the following objection to the jurisdiction of this Court.

First.—That there is no actual state of war in the country.

Second.—That the proclamation of



V. V. ASHFORD.

martial law does not authorize the trial of any person by a Military Commission, or a Court Martial, unless he is a member of the Military or Navy of this country or, if actual war exists, that he has committed an offense against the laws of war.

Third.—The crime of which the prisoner is accused is misprision of treason, a statutory crime which, by its definition under the law, is not an offense against the laws of war.

Fourth.—That under the Constitution and laws of the Republic of Hawaii the prisoner is entitled to a trial by jury upon information, indictment and complaint, except in cases of impeachment.

Mr. Neumann called attention to Section 1, of the Constitution, which says, "God hath endowed all men with certain inalienable rights, among which are life and liberty." The right of trial by jury must be maintained inviolate; neither the proclamation of martial law or the suspension of the writ of habeas corpus had suspended the rights of the Constitution. Have you the right in times of peace to sit on cases coming under the penal code? The counsel maintained that there was no necessity for the proclamation of martial law; it only placed the police power of the State in the hands of the military. The Military Commission could only derive its power from the law of nations; there was nothing in the Constitution giving it authority. The law of war cannot lay down what you will do, but it does tell you what you must not do. Every offense against the law of war comes under your direction, but as long as the crime is not against the law of war you have no more right to try the accused of misprision than to try him for bigamy. Misprision is not an offense against the safety of the soldiers or the commander-in-chief. The case of Jefferson Davis, who was a prisoner of war during the crisis of the rebellion, was cited and attention called to the fact that but one Military Commission had been given power to act in the United States, that action being upon the assassins of President Lincoln. Before you have a right to sit in trial on these people you must show that that right exists by law, book or precedent.

Captain Kinney said when it came to a question whether the action of the Court is just, lawful and right, that body must be governed by what civilized men of whatever nation would do under the same circumstances; we must satisfy our own consciences and that is enough. Are we working properly and not taking advantage of circumstances. At this hour we know not where we stand; we do not know who may be co-conspirators or when and how the rebellion started. Should the accused be tried by jury we do not know what men might sit on the jury who if the truth were sworn should be in the prisoner's dock.

The very law by which the assassins of President Lincoln were tried and hung was made by act of Congress and was not the result of the action of one man. Our constitution gives the right to suspend the writ of habeas corpus, and it is not for us to say whether or not that right has been properly exercised. Considering the population of the islands would it not have been criminal neglect and insanity for those who made the constitution not to have allowed that power. Martial law legally exists and furthermore it would have been criminally unjust had this power been left out or neglected. All the courts of the nation are tributary to the Military Commission. The fact that the counsel has admitted that guards and vigilance on the part of the authorities is necessary today is a confession that an unusual state of affairs exists. It is impossible to try

the civil courts exists. Having passed Captain Kinney's notice that he would appear at the afternoon session, a recess was declared until 1:30 p. m.

AFTERNOON SESSION.

Judge-Advocate Kinney continued his argument. He said in part: Martial law is used at different times in different senses, each differing from the others, as follows:

First—"The law martial exercised by the constable and marshal over troops in active service."

Second—"The same system in time of peace or emergency and especially for punishment for breaches of the peace."

Third—"For the government of standing armies under the Mutiny Acts and the Army Discipline Act."

Fourth—"The common law right of the crown and its representatives to repel force by force in case of rebellion or insurrection and to act against rebels as it might against invaders."

It is obvious that trials of a case like this do not come under the first, third or fourth definitions of martial law. They come more correctly under the second definition. Now it may be true, it is true, that this second exercise of martial law is declared by courts to be illegal by the petition of right, which expressly declares that trials in such cases cannot be had. There is in the Hawaiian Constitution no such constitutional prohibition. But in cases of necessity martial law has been declared in several British colonies, as at the Cape of Good Hope, in Ceylon, in Jamaica and in Demerara. The view of the English law is that necessity alone is the justification of martial law; and that martial law is rather a status which exists, whether with or without any proclamation of it, and that it does not depend for its validity or legality upon any enactment of the law-making power.

The United States Constitution also contains no express power authorizing the President or even Congress to declare martial law. The declaration of martial law by the President of the United States was under what were called the war powers of the Constitution, and being a war power it would of necessity extend no further than the actual existence and the necessities of a condition of war required.

All this is entirely different from the Constitutional powers of the President of Hawaii. He may not only suspend the writ of habeas corpus; he may not only declare martial law; he may place the whole or any part of the Republic under martial law, not only in case of rebellion or insurrection, but when there is imminent danger of rebellion or insurrection and the public safety requires. He may not only use the military force to suppress an insurrection and during its actual continuance; he may use military force and martial law for the prevention of an insurrection or repetition of an insurrection, that is to say, while there is "imminent danger" of it, and if he may govern the country under such circumstances by martial law for any purpose, he may do so for all purposes. Counsel for the prisoners has confined his argument to the meaning of martial law in one only of its different aspects, and sought to have it restricted and limited in Hawaii by English constitutional requirements not existing here. As stated in Hale's Int. Law, Chap. 32, Sec. 20, "Martial law extends to a great variety of cases not relating to the discipline of the army, such as plots against the sovereign and intelligence to the enemy."

The Hawaiian law, unlike English and American law, authorizes the establishment and continuance of martial law in time of peace as well as war. It may be also that the prisoner has, by his crime, made himself liable before the civil courts of the country if they were now performing their functions in cases of this nature. There is no inconsistency in the same conduct being punishable as well by municipal as by martial law, or in the same act, being criminal, as well by municipal as by martial law. Today each and every provision of the Constitution of Hawaii which conflicts with martial law, which is supreme today, is null and void.

The mere suspension of the writ of habeas corpus might, perhaps, imply that the civil processes would subsequently apply in any case not strictly a war case; but the Hawaiian Constitution goes further than to suspend the writ of habeas corpus and makes martial law, and nothing but martial law, now supreme upon the island of Oahu today.

Mr. Kinney closed by stating that it was due only to a rule of law that Bowler was not charged with treason. He knew about the landing of arms; he was one of the men who were to seize the telephone office. He was as guilty of levying war as those who took the field. "Public tranquility brought to the guilty to judgment," concluded the Judge-Advocate.

Paul Neumann answered, and contended that the court had no existence under the law of the land; it could not try anyone for an offense unless committed since the proclamation of martial law. Bowler's offense, if any, preceded the proclamation, and therefore could not be tried by this court. The court retired for deliberation.

On its return, Colonel Whiting announced that the objections of the defendant were overruled. A written statement from Bowler was then read. It was as follows: "J. F. Bowler states that there is no truth in the statement that he either would take place, and that in no conversation with Mr. Nowlin was he informed of the arrival or landing of arms, or the enlistment of men for the purpose of restoring a monarchical government, or to overthrow the Republic. That, like many others, he has heard rumors and read about them in newspapers, but paid as little attention and gave as little weight to them as to other things which he heard not relating to the politics of this country."

V. V. Ashford's case was then taken up. Paul Neumann objected to the trial going on, on the ground that the accused was not served with a copy of the charge made against him within five days after his arrest. Judge-Advocate Kinney replied that in a case of the kind before the court it was not necessary to comply with that formality.

It was learned later that a copy of the charge and specifications was served on last Saturday evening.

The Court announced that the objection would be considered.

When asked if the defendant had any objection to the Court, Paul Neumann arose and said that they objected to Captain Pratt.

The Captain said that as an objection had been made against him, he hoped the Court would sustain the objection. He was excused.

Mr. Neumann objected to Captain Ziegler also, saying that in behalf of his client he would state that Captain Ziegler's character was not in question, the objection being made solely on account of the strained relations that have existed between the two men for some time.

Captain Ziegler asked to be excused. Granted.

The Court then consisted of Colonel Whiting, Captains Camara and Wilder, and Lieutenant Jones.

Paul Neumann was satisfied to have the trial go on with the gentlemen named.

The Court adjourned till 10 o'clock this morning.

NEW CHAPTER IN REBELLION.

V. V. Ashford Now on Trial for Misprision of Treason.

Nowlin Said He Laid Open Whole Plan to Ashford—Chinese Hackmen Testify to Meeting of Ashford and Nowlin on the Waikiki Road.

The Military Court did not assemble until 10:40 Wednesday morning.

Colonel Whiting announced that an adjournment would be made until 1 o'clock, as the personnel of the Commission was incomplete. The reading of the minutes would be omitted until the afternoon session opened.

AFTERNOON SESSION.

Promptly at 1 o'clock the court was called to order. After reading of minutes by Recorder Jones, Colonel Whiting stated that Captain John Good, of Company E, and Lieutenant Oscar White, of Company B, had been selected to sit as members of the Commission.

Attorney Neumann announced that the personnel of the court was satisfactory to defendant Ashford, and the proceedings commenced.

Samuel Nowlin was the first witness called. His testimony was as follows: Planned to have an army at Kakaako and one at the fish market; affair was to come off as soon as arms landed; afraid of being discovered if we waited; C. W. Ashford said V. V. Ashford had gone for arms; C. W. Ashford said Captain Davies told V. V. Ashford he was going out for arms; C. W. Ashford went on Likiep Saturday; saw C. W. who wanted me to name place to meet V. V. for conference; said Waikiki road was nice place to meet; left him then; was going out to Waikiki in buggy; met V. V.; no special point of meeting was agreed upon; both carriages stopped; V. V. got out and came to my carriage; he said to me, "I do not think this a good place to have a talk"; told him did not think so either; said I would call at his house and have talk with him; left him and went out to long bridge; turned around and came to town; went to V. V.'s house that afternoon; saw V. V. and father at house sitting on veranda; never been there before; went into small room; no one present but us two; laid open whole plan to V. V.; told him arms going to be landed at Kakaako and at fish market; told him Kakaako plans being laid out by me; asked him to help lay out plans for fish market; V. V. asked about best time to land arms; told him night time; V. V. said if he had arms landed during night then we must have day attack; hard to keep natives from talking and giving everything away; agreed day time best; V. V. said would help make out plan of fish market; went to his office three times after call at house, to see about fish market plan; went there following Monday morning, the 31st; saw him in back room of office; no one there but us two; asked him if anything done to plan; said no; too busy with court matters and for me to call again; Wednesday morning, day after New Year's, learned arms coming; heard Waimanalo succeeded in getting arms and would be in that night; thought better hurry matters and be ready by 1 o'clock next morning; found could not get ready; at meeting of Gulick, Rickard and myself, agreed to have Rickard go out to Waimanalo and bear orders; Thursday, went to see Ashford again; things must surely come off that night; he said sorry he could not help, but was suffering from rheumatism in the knee and would be unable; tried that night, but thing would not go; arms landed at Kakaako, around by new breakwater on Waikiki side; time of assembly agreed on was 12 o'clock that night; natives began gathering from 7 to 7:30 p. m.; 9 o'clock received word of police interference; Chinaman drove Ashford to Waikiki; have seen him since my confinement after I made statement about him; Ashford had Chinese clerk in office; was there when witness called at office.

At this point of the examination, the Chinese driver was brought in. Nowlin continued. Know this man to be driver spoken of; learned Waimanalo of Diamond Head from Bertelmann; were to be 150 men at Kakaako, and same number at Fish Market, men going to get arms at these places; told Ashford all plans; Kakaako plans given to Bertelmann; witness told Ashford, Walker was to take Police Station with his squad; everybody to move at 1 o'clock in the morning; arms landed at Diamond Head used in the fight on 8th and 7th.

On cross-examination, Counsel Neumann asked Nowlin if he had been offered any price for the betrayal of his colleagues.

Captain Kinney objected to the

word "betrayal" and the objection was sustained by the court.

Mr. Neumann changed his language and asked Nowlin what promises had been made him.

Nowlin answered that he was told his life would be saved if he told the truth.

Lee Tong: Have been in city from sixteen to seventeen years, drive hack, stand at Castle & Cooke's corner; known Ashford for several years; drove him on 30th of last month at 10:35 a. m.; telephone boy sent me from stand; Ashford told me to drive him to Waikiki; did not state any special place, drove him as far as road leading to J. F. Brown's, told me to turn to right; when got down to last house told me to turn to right again, went past John Kua's place and came out on King street again; told me to turn to right again; got out near Chinese street cars stop; told me to turn to right again; just outside Chinese banana field on road leading to J. F. Brown's, saw Nowlin coming from town in buggy; Ashford told me to stop; both carriages stopped at once; Ashford got out and walked across to Nowlin; talked for few minutes; number of my hack 113.

On cross-examination counsel for defense brought out the fact that Lee Tong did not know the date of his engagement with Ashford until after he was called upon by the police. He recollected that it was in the morning about the end of December, but that was all.

Manuel Andrade: Am 17 years old; work at City Carriage Company's office; take telephone messages and send out hacks; keep record of wherever they go; know V. V. Ashford; remember he called us up; knew his voice; received message and sent Lee Tong to his house; put entry in book.

On cross-examination nothing new was brought out.

Sing Fook: Work for Ashford; began clerking there in March of 1894; know Sam Nowlin; remember Nowlin made visits at office previous to revolution; during two weeks previous to rebellion he called three times.

Cross examined: Called once and Ashford was away; came back during day; Friday morning was called by Marshal to police station; had no bribes or threats offered; swore there upon oath to tell truth; made statements of own free will.

Captain Davies: Commanded Waimanalo before trouble; made agreement with Rickard at Walker's office on 27th of December; know Ashford; saw him Friday afternoon previous to trouble; met him on Bethel street and spoke to him; asked him if he knew anything about political troubles; said only heard something was going on and was trying to find out more about it; told him then witness would look after sea part and would want good person to look after shore; said better look into matter more carefully before going to sea; finished conversation in back room; someone was there at time; waited until through and then entered; went to sea same day; got arms and landed them at Waikiki.

Sam Stone: Live at Kukuiaeo about 500 yards from old salt works on Queen street; Ashford used to come to my house; remember hearing something about trouble on 3d of January; 7:30 that evening Ashford called; stayed about five minutes; talked first about a mortgage between me and another man named Kaapana.

At this point Interpreter Luther Wilcox was introduced on account of Stone's imperfect English. Stone continued: Ashford asked me if I was acquainted with the situation of the royalists; told him I had heard of politics for the last two years, but had no idea of what was going on and didn't care. Ashford got up suddenly and said he was going home; said he would not send mortgage up until Kaapana sent up \$10 more, which would close up matters.

Detective Larsen was called, but Mr. Neumann objected to him on account of his name not being on the list of witnesses for prosecution.

After deliberation the Court decided that Larsen's testimony would be allowed.

Wm. Larsen: Was in employ of police department on 3d January; had heard of meeting of natives; was stationed with another man on road leading to leper settlement at 8:20; remained there thirty minutes; first fifteen minutes counted forty men coming down two roads.

Captain Kinney asked Larsen if he spoke to any of them, and if so, what they said; whereupon Mr. Neumann objected to the last question as being irrelevant.

The objection was sustained by the court.

Mr. Neumann asked for adjournment on account of the physical state of his client.

The Court adjourned until 9:30 a. m. today.

MARRIAGE AT ST. ANDREW'S.

Dr. Walters, of Lihue, Joins the Ranks of the Benedicts.

At St. Andrew's Cathedral Wednesday afternoon a very pretty wedding took place, when Dr. St. D. G. Walters, of Lihue, Kauai, and Miss Severina Lucy Herbert, daughter of Mr. and Mrs. Allan Herbert, were made man and wife. The ceremony was performed by the Rev. Vincent H. Kitcat, using the ritual of the church of England. The bride, who looked lovely in a white costume, was given away by her father. Wray Taylor presided at the organ and played Mendelssohn's Wedding March. Among those who witnessed the ceremony were Mr. and Mrs. A. Herbert, Mrs. J. F. Hackfeld, Senor Canavaro, Portuguese Consul, Mrs. F. W. Glade, Mrs. Neumann, Mr. and Mrs. A. M. Spruill, Mr. and Mrs. Kopke, Dr. and Mrs. G. Herbert, Messrs. Isenberg, S. Parker, H. Focke and Captain Ahlborn. Dr. and Mrs. Walters left on the Australia on their wedding trip.

M. Greene, of Phillips & Co., was among the outgoing passengers by the Australia.

THE GOVERNMENT ANSWERS.

The Views of the Government Made Known to Mrs. Dominis.

HER INDIVIDUAL LIABILITY.

The Letter of Abdication Does Not Exempt Her from Punishment if She is Proven Guilty of Treason—Her Appeal for Clemency Will Be Considered.

The Government has replied to the ex-queen's letter of abdication.

It was presented to her on Tuesday and reads as follows:

EXECUTIVE BUILDING, Honolulu, January 29, 1895. MADAM:—A document executed by you purporting to contain an abdication and renunciation of all sovereign rights heretofore claimed by you has been delivered on your behalf to the President.

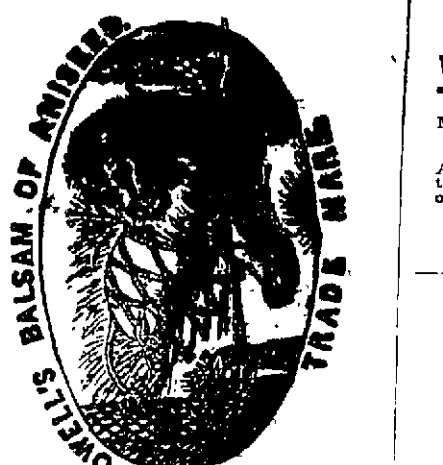
As you were under arrest at the time this instrument was signed it is desired before accepting and placing the same on file, to make clear to you, in order that no misunderstanding may hereafter arise, the views of the Government in this matter:

1. The execution of this document cannot be taken to exempt you in the slightest degree from personal and individual liability for such complicity as due investigation and trial may show that you had in the late conspiracy against the Government and the consequent loss of life; which position is recognized by you in your letter.

2. It cannot be conceded that such rights and claims as you now voluntarily relinquish have had any legal existence since January 14, 1893, when by your public announcement that you no longer considered yourself bound by the fundamental law of the land under which you took office, and by your acts in attempting by the mere exercise of your own will to establish a new system of government, the contract existing between you and the people was dissolved, and all sovereign rights theretofore vested in you were lost. The statement by members of your then cabinet that they could not control your proposed action, and their appeal to citizens of Honolulu for assistance, was the next step which led to a resumption by the people of the rights of government.

3.—So far as your communication may be taken as a notice to the disaffected that it is your desire that the Republic shall be recognized by them as the sole and lawful government of the country, it is fully appreciated. In this connection your unselfish appeal for clemency for those who took part in the late insurrection will receive full consideration.

(Signed), WILLIAM O. SMITH, Attorney-General. To Mrs. Liliuokalani Dominis.



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ALL THE WORLD OVER THE RECOGNIZED COUGH REMEDY. Its immense sale throughout the world indicates its inimitable value.

Those who have not already given it a trial should do so at once. In palace and cottage alike, Powell's Balsam of Aniseed is the old and unexcelled COUGH REMEDY. Its large sale throughout the whole civilized world proclaims its great worth. Loosens the phlegm immediately. Night cough quickly relieved. See trade mark as above on each wrapper.

See the words "Thomas Powell, Blackfriars Road, London," on the government stamp. Refuse imitations. Established 1834. Squatters and farmers when ordering their stores should not omit this time-honored cough remedy.

FOR A COUGH—POWELL'S BALSAM OF ANISEED. FOR ASTHMA, INFLUENZA, etc. Sold by chemists and stores everywhere throughout the Australian, New Zealand and Cape Colonies. Bottles 1s. 1/4d. and 2s. 3d.

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Continued to Grow Worse.

I was persuaded finally by a friend to try Hood's Sarsaparilla. The use of one bottle acted effectively upon the blood and I began to improve.

After the use of three bottles the gathering ceased and I am cured of my former trouble. I owe my life and will always remain a true friend to Hood's Sarsaparilla. LILLIE MAY BENTLEY, Shelbyville, Indiana. Get HOOD'S.

Hood's Pills act easily, yet promptly and efficiently, on the liver and bowels. 25c.

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CHLORODYNE

ORIGINAL AND ONLY GENUINE.

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COLDS,

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DR. J. COLLIS BROWNE'S CHLORODYNE—Vice-Chancellor Sir W. PAGE WOOD stated publicly in court that Dr. J. COLLIS BROWNE was undoubtedly the INVENTOR OF CHLORODYNE, that the whole story of the defendant Freeman was deliberately untrue, and he requested, to say it had been sworn to.—See The Times, July 15, 1894.

DR. J. COLLIS BROWNE'S CHLORODYNE is a liquid medicine which assuages PAIN of EVERY KIND, affords a calm, refreshing sleep, WITHOUT HEADACHE, and INVIGORATES the nervous system when exhausted. IS THE GREAT SPECIFIC FOR CHOLERA, DYSENTERY, DIARRHŒA.

THE GENERAL BOARD OF HEALTH, LONDON, REPORT that it ACTS as a CHARM, and is generally sufficient.

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DR. J. COLLIS BROWNE'S CHLORODYNE Rapidly cuts short all attacks of EPILEPSY, SPASMS, COLIC, PALPITATION, HYSTERIA.

IMPORTANT CAUTION.—THE IMMENSE SALE of this REMEDY has given rise to many UNSCRUPULOUS IMITATIONS. N. B.—EVERY BOTTLE OF GENUINE CHLORODYNE BEARS ON THE GOVERNMENT STAMP THE NAME OF THE INVENTOR—DR. J. COLLIS BROWNE. SOLD IN BOTTLES 1s., 1/4d., 2s., 3d., and 6d., by all Chemists.

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THE WHITE CRUISER RETURNS.

Heavy Weather on the Voyage Causes Her Delay

ADMIRAL BEARDSLEE ON BOARD.

The Announcement of the Vessel's Approach Caused a Large Crowd of People to Pile to the Wharves. Return of Well-Known Officers.

AMID the booming of cannon and the noise of steam whistles the flagship Philadelphia made her entry into the harbor Tuesday afternoon.

The handsome white cruiser was never more welcome to any port than at Honolulu, where most of her officers are as well known as they are in their native cities.

She was sighted about 3:30 o'clock. The news traveled far and wide in a very short time, and it was not long before the wharves were crowded with people, all anxious to see her round Diamond Head. As she neared Waikiki people crowded to the roofs of high buildings, jostled each other on the wharves and on the decks of vessels, while many hired shore boats. The whole scene was an animated one.

The flagship left San Francisco on the 20th inst. Many people not familiar with nautical affairs imagined that she would make the run down in about two days and were disappointed because she failed to appear on Monday. She came down in about nine days and a half, which is a fair to good trip, considering that she was not forced. She had heavy weather, which greatly impeded her progress.

As she reached the spar buoy she fired the usual salute. She steamed in the channel slowly and finally came to anchor in naval row. As she neared her position, the answering salute was fired from the shore battery. The merchant vessels hoisted their flags at the same time.

The flagship has Admiral Beardslee on board. He is in command of the Pacific Station. The Admiral's wife arrived on Sunday to remain during the vessel's stay. The Admiral's personal staff is composed of Lieutenant C. E. Fox, Flag Lieutenant, and Lieutenant M. C. Gorgas, Flag Secretary.

The commanding officer of the vessel is Captain C. S. Cotton, who recently relieved Captain Barker. Lieutenants Wood and Werlich are on board. They were warmly greeted by their many friends.

Among her other officers who are well known here are Ensign W. R. Shoemaker, naval cadet F. B. Upham, fleet medical inspector G. F. Winslow, Fleet Paymaster G. E. Hendee, and Captain H. Cochrane, U.S.M.C. The last named gentleman will be pleasantly remembered by all who heard his masterly oration on the last Fourth of July.

The flagship is so well known here that a description of her is unnecessary. From all accounts, her stay will be a long one.

The following is a full list of her officers:

Rear-Admiral L. A. Beardslee, U. S. N., Commander-in-Chief.
Lieutenant C. E. Fox, Flag Lieutenant.
Lieutenant M. C. Gorgas, Flag Secretary.
Captain C. S. Cotton, Commanding Officer.
Lieutenant-Commander R. R. Ingerson.
Lieutenant W. M. Wood.
Lieutenant F. E. Sawyer.
Lieutenant P. J. Werlich.
Lieutenant J. A. Hoogewerff.
Ensign H. A. Field.
Ensign W. R. Shoemaker.
Ensign C. L. Hasey.
Naval Cadet J. A. Barry.
Naval Cadet D. M. Barry.
Naval Cadet F. N. Olmsted.
Naval Cadet F. B. Upham.
Naval Cadet A. B. McKethan.
Medical Inspector (Fleet) G. F. Winslow.
P. A. Surgeon R. P. Crandall.
Assistant Surgeon M. S. Guest.
Paymaster (Fleet) G. E. Hendee.
Chief Engineer (Fleet) David Smith.
P. A. Engineer W. N. Little.
Assistant Engineer F. H. Conant.
Assistant Engineer L. M. Fulton.
Naval Cadet (Eng. Div.) F. D. W. Reed.
Captain of Marines (Fleet) H. C. Cochrane.
Chaplain W. E. Edmonson.
Gunner H. A. Ellers.
Carpenter F. S. Sheppard.
Pay Clerk T. W. Arms.
Pay Clerk (Fleet) John Irwin, Jr.
Boatswain T. Sheehan.

C. L. Brito, who was recently arrested on a charge of embezzlement, has been adjudged a bankrupt.

TRADE MATTERS GENERALLY.

General Depression in the Eastern and Foreign Sugar Markets

BEET SUGAR CAUSES LOW PRICES

Germany and Other European Countries Will Make a Determined Struggle for More Trade—A Chance for an Advance in Sales of Cuban Sugars.

SAN FRANCISCO, Jan. 18.—Sugar.—Prices of refined in this market continued unchanged until the 14th inst., when the Western Sugar Refining Company reduced the list 1c. per pound for the local market, making prices as follows: Cube, crushed and powdered, 5 3-8c.; dry granulated, 4 1/2c.; confectioners' A., 4 1/2c.; magnolia A., 4 1/2c.; extra C, 4 1/2c.; golden C, 3 1/2c.; D sugar, 3 1/2c. Prices for export, however, continue unchanged on the basis of 4 1/2c. for granulated. The refinery has not yet started up and will not until sufficient raw material arrives from the islands. They have still a large stock of refined on hand.

Basis.—Declined December 22d to 27-8c. net; (spot sales of 300 bags at 3 1/2c.); 29th, declined to 2 1/2c. net (spot sales of 2500 bags at 3c.). Since then there has been no change, but the following sales have been reported in New York at 3c.: January 2d, to arrive, 1500 bags; 3d, spot, 4000 bags; 4th, to arrive, 350 tons; 7th, to arrive, 700 tons; 8th, spot, 450 bags; 14th, spot, 1300 bags; 16th, spot, 1000 bags. Eastern and Foreign Markets.—The general depression in sugar has continued during the month and the condition of the markets of the world remain about the same as advised the past few months.

Prices in this country have still further declined, while the market for European beets has fluctuated between 8s 6d and 8s 9d, price for 88 test f. o. b. Hamburg. At the close there seems to be a little stronger feeling in New York regarding the future, and also an improvement in London. It is not expected that prices can advance much, but there is a healthier tone and holders look for a larger demand and more business. There has been no Eastern mail for two days, and its arrival is indefinite, owing to blockades on the railroads.

Our latest mail advices from New York, of the 11th inst., state that, owing to an apparent firmness in the European market, the situation in New York has strengthened somewhat. Importers feel that their calculations upon an increasing demand for raws are justified by recent developments, the more so that buyers have shown a desire to keep their purchases secret, and there is strong hope, if values do not improve, they have certainly nearly touched bottom for the present. The course of raws for the next month or so depends mainly upon the demand for refined and on the price of beet. Should the expected and natural call at this season come from distributors of refined, and beet remain steady, there is reason to look for some slight improvement in prices, as stocks in this country and Cuba are but slightly in excess, if at all larger, than the same time last year.

The chief cause of cheaper sugar throughout the world for the past ten years is owing to the European beet sugar countries. They have succeeded in making cane countries sell their productions very low, but thus far have obtained little increased trade with the United States. It is now evident, however, that Europe is going to make a determined struggle for more of this trade. It is necessary for Germany and other countries to keep up the agricultural industry and to do this, strong efforts are being made to increase the export bounty.

London cable January 11th quotes Java No. 15 D. S. 11s., fair refining 9s. First marks German granulated 10s. 4d. f. o. b. Hamburg, equal to \$3 52 net cash delivered New York duty paid.

The manufacture of granulated is still on the increase on the continent, and much of the crop which formerly came to the United Kingdom in the form of raw sugar now comes in the refined condition. First marks granulated have become an attractive medium for speculation, and at the above quotation f. o. b. Hamburg, they are relatively cheaper than first product of raw beets.

According to Willett & Gray's latest statistical of January 10th, total stock of sugar in four ports of the United States was 156,772 tons against 96,966 tons last year. Six principal ports of Cuba 23,000 tons against 65,000 tons last year. Total stock in all the principal countries 1,759,372 tons against 1,502,428 tons same time last year.

Alfords to the United States from all countries estimated at 50,000 tons against 60,000 tons last year. These include 1000 tons beet sugars from Hamburg and Bremen.

The total foreign sugar supplies of the United States during the year 1894 was 1,804,886 tons composed as follows: Cuba 1,005,781, Porto Rico 31,402, Damerara 45,957, British West Indies 122,557, other West Indies 45,337, Brazil 87,648, East Indies 135,894, Europe 184,320, Sandwich Islands 150,845, and other countries 15,137.

The entire stock of sugar in this country at the beginning of 1895 was 328,469 tons, and this quantity, together with what can confidently be expected to receive during the year, will be 1,973,000 tons, or nearly sufficient for the entire consumption of the year. The sugars in this estimate naturally find their way to the United States, and if they are crowded out by the surplus beet crops of Europe, now estimated at 1,000,000 tons, it will be on account of competition of low prices during the entire campaign.

Our latest telegram from New York of today quotes Cuba centrifugals, 9c. test, ex ship, wharf or store, 3c. per lb. granulated, 3.81 net; raws steady,

London beet, 88 test, January, 8s 9d f. o. b. London market steady, and looks like an advance within a few days. German granulated, 3 1/2c. per lb. f. o. b. to Atlantic U. S. ports. Estimates of the European beet crop and cane crops unchanged, harvesting of Cuba crop is delayed. Trust certificates—common 90 1/2, preferred 91 1/2. It is reported that our Government has levied an extra duty of 1 1/2c. per lb. on all sugars imported from Spanish colonies or territory. We are not informed when this takes effect, but, if confirmed, ought to advance the basis to that extent on sales of Cuban sugars in New York. As most of the sugars refined in Hongkong are originally imported from Manila, it is also expected that this extra duty will be assessed on all importations of Hongkong refined. Should this interpretation of the law be decided, correct, importers state that they will not be able to compete with our refineries and will be obliged to stop importations.

Rice.—Hawaiian. Stock is very light and in the hands of one importer. Price 4 1/2c. net cash, and will not probably go higher at present, as holder believes that a further advance would but invite further importation from Japan.

Japan. Receipts, 2250 bags. Spot value, 3 1/2c. net, duty paid, but offerings are made to arrive, \$3.55, duty paid.

Bangkok. A full cargo has been recently imported, but is not offered as yet. It will probably bring about 3 1/2c. Mexican. Receipts, 2000 bags, all sold at 3 1/2c. duty paid.

Kona Coffee.—We quote price, according to quality, from 18c to 20c, with sales of 100 bags at the latter figure.

Flour.—Golden Gate, Ex. Family, \$3.40; El Dorado, \$2.40 per bbl., f. o. b.; Crown, \$3.35 per bbl., f. o. b.

Barley.—No. 1 Feed, 86c. per cwt., f. o. b.; ground or rolled, \$18 per ton, f. o. b.

Oats.—Fair, \$1@1.05; choice, \$1.15@1.25 per cwt., f. o. b.

Wheat.—\$5c.@87c.; milling, 95c.@97c., per cwt., f. o. b.

Corn.—Small yellow, \$1.30@1.32 1/2 per cwt., f. o. b.

Hay.—Wheat, compressed, \$12; oat, compressed, none. Large bales, wheat, \$13; oat, \$12.

Lime.—\$1 per bbl., f. o. b.

Charter.—Only a moderate business since ours of December 21st, at unchanged rates, but at this writing shippers consider themselves well supplied with tonnage and we doubt if 27s. 6d., future orders, net, can be obtained unless for a small carrier. Offerings of wheat continue limited and as a consequence the price is still above shipping parity. Last transaction, iron, a large carrier, 26s. 6d., future order, net. Last wooden, 23s. 9d. Liverpool, with merchandise clause. Rain has continued throughout the State and in such quantities that floods are feared.

Lumber freights firm and tonnage scarce. We quote Valparaiso, future order, 42s. 6d.; Sydney, 32s. 6d. to 35s.; Melbourne, Adelaide or Port Pirie, 42s. 6d.

Exchange.—London, 60 days sight, \$4.85@4.89 1/2; sight, \$4.89 1/2. New York, Regular, 15c.; Telegraphic, 17c.

WEDDING ON TUESDAY.

Mr. Chas. F. Sawyer and Miss Gertrude Severance Married.

Mrs. Parke's residence on Bereania street was the scene of a quiet but pretty wedding Tuesday night, when Mr. Chas. F. Sawyer and Miss Gertrude Severance were made man and wife. At 7:30 o'clock the contracting parties took up a position in the center of the spacious double parlors and Rev. O. H. Gulick read the beautiful Episcopal marriage ceremony.

The wedding was a private one, the attendance being limited to intimate friends of the family. Among those present were noticed President and Mrs. Dole, Minister and Mrs. Willis, Mr. and Mrs. Hatch, Mr. and Mrs. W. F. Allen, Dr. and Mrs. Day, Mr. and Mrs. Swanzy, Prof. Scott, Mrs. Edgerston, Mrs. J. F. Brown, Mrs. Wetherbee, Misses White, Hartwell, Mott-Smith, Atkinson and Richards; Messrs. Walter Dillingham, Sam Wilder, Lowden and Lovekin, besides immediate relatives of the bride, these being Mr. and Mrs. Luther Severance and daughter, of Hilo, Mrs. Geo. B. Kirkbride, of Minneapolis, Minn., respectively uncle, aunt, cousin and sister of the bride, and Mr. and Mrs. Pierce, of St. Paul, Minn., friends of the groom.

As the bridal party entered the parlor Misses Atkinson, Richards and Mrs. J. F. Brown played Lohengren's wedding march. Misses Helen Severance and Annie Parke were bridesmaids, and Mr. W. C. Parke was groomsman.

After the ceremony an elegant and sumptuous repast was partaken of. The Quintette Club was present and played and sang a number of selections. The grounds were brilliantly illuminated with paper lanterns of all shades, which gave a gala appearance to the surroundings.

The bride and groom received a large number of beautiful, costly and useful presents from friends and acquaintances in Honolulu, besides many in San Francisco which are stored at Shreve's jewelry house.

Mr. and Mrs. Sawyer will leave for their future home in Dover, N. H., by the Mariposa on February 7.

Work has commenced on the offices of the custom house on lower Fort street.

VINDICATION OF MR. WAKEFIELD.

Government Expresses Regret for His Arrest.

Official Thoroughly Misinterpreted Orders—Unfortunate Details of the Affair.

The residents of Hilo were very much wrought up last week by the arrest of Mr. F. M. Wakefield by Sheriff Williams on the charge of treason. So positive were Mr. Wakefield's friends of his loyalty to the Republic, that an indignation meeting was held and a delegation of prominent citizens selected to accompany him to this city and obtain an explanation of this unwarranted proceeding.

It appears that Mr. Wakefield's personal friendship with the Ashfords, while living in Honolulu, led the authorities to the supposition that he might give them some light on the connection of the Ashfords with the insurrection. Consequently Mr. Van Giesen was delegated a special messenger to proceed to Hilo and ask Mr. Wakefield to come to Honolulu, with the very natural addenda that if Mr. Wakefield refused to come to "bring him." Arriving at Mahukona, Van Giesen telephoned to Sheriff Williams that Mr. Wakefield's presence was desired at Honolulu. The sheriff asked on what charge, to which Van Giesen replied, "There is no charge." Armed with this authority the sheriff proceeded to arrest Mr. Wakefield on the charge of treason, and kept him a guarded prisoner in his house. When Van Giesen appeared on the scene the next day he explained that the authorities simply wanted to talk with Mr. Wakefield and he was released from police surveillance, came to this city, told the authorities he knew nothing of the Ashfords' private affairs, and went his way as many another citizen has done during the recent trouble.

In view of the treatment he had received, Mr. Wakefield's friends believed an apology from the Government the only proper reparation. They appeared before the cabinet yesterday morning, and as a result of their interview Mr. Wakefield received a letter from Attorney-General W. O. Smith, in which was expressed the regret that he should have been subjected to the treatment received at the hands of an officer of the Government.

Thus the unfortunate affair has been smoothed over and the stigma removed from Mr. Wakefield which might have been cast upon him by the unfortunate action of the sheriff. It is due Mr. Wakefield to state that the authorities did not anticipate the necessity of his arrest, or the extreme measures that were used against him. He is a firm supporter of the Government and an active member of the Citizens' Guard of Hilo.

Mother's

Nestle's Milk Food for infants has, during 25 years, grown in favor with both doctors and mothers throughout the world, and is now unquestionably not only the best substitute for mother's milk, but the food which agrees with the largest percentage of infants. It gives strength and stamina to resist the weakening effects of ill health, and has saved the lives of thousands of infants. To any mother sending her address, and mentioning this paper, we will send samples and description of Nestle's Food. Thos. Leeming & Co., Sole Agents, 12 Murray St., N. Y.

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HAWAIIAN GAZETTE

SEMI-WEEKLY.

FRIDAY, FEBRUARY 1, 1895.

PRESIDENT CLEVELAND will have reason to remember that there is a slight sentiment favoring annexation in the little State of Maine. If we are not very much mistaken he has more than a passing acquaintance with the person and influence of one, John L. Stevens, who is now quietly but effectively wielding an editorial pen in the city of Augusta. Mr. Stevens' near neighbors—Senators Frye and Hale—have not let an opportunity pass to throw hot shot into the camp of the cuckoos guarding the Cleveland Hawaiian policy, while Representative Boutelle, whose undaunted courage has never been questioned when a matter of right or wrong is involved, is always to be found leading the van when Hawaii's interests are at stake. There is certainly a bond of sympathy between Hawaii and rock-bound, loyal New England.

As we have before suggested, the most serious problems of the rebellion have yet to be met and solved. In view of this fact it is the duty of every well-meaning citizen to give the Government officials a moral support equalled only by the ardor and enthusiasm of the physical backing which has been displayed. But do not let the feelings of the hour run away with calm judgment. Think twice and stand firm.

MR. CLEVELAND'S ORDERS.

While President Cleveland has seen fit to send a man-of-war to this port he has couched his instructions in such words as to make, so far as possible, the commander of the ship's forces as powerless to act as possible. He has told Rear Admiral Beardslee to come to this port and look on while American citizens sell their lives if necessary to protect the property of men who cast ballots in and claim allegiance to the United States; he is practically to act in the capacity of a nonentity so far as within him lies. He is to sit quietly in his cabin and fiddle, if such amusement suits his fancy, while a gin-crazed rebel applies the torch to the house of his brother American, provided the owner of that house is fighting in the field.

If the owner sits quietly at home and says or does nothing, the Admiral is to land his forces, surround the house and keep the incendiary at proper distance. Should the adjoining dwelling be in flames and the American's house threatened thereby the Admiral has only to say, "God help you, the United States won't." Supposing the Admiral has 100 men and there are 100 houses in different sections of the city to protect? Naturally if he follows out the spirit of President Cleveland's orders, he is to detail one man to a house and let mob law, or any other law that may arise, take its course and say or do nothing. The absurdity of this method of procedure is only equalled by the narrow-minded, unparalleled spirit displayed by President Cleveland's instructions.

If there is any nation in the world from which the supporters of this Republic, the majority of whom are Americans, has well-founded reason to expect moral and physical aid and support, that nation is the United States. Congress knows it, the American people know it, but President Cleveland's diplomatic eyesight has become so seriously dimmed by the dazzling personality of Liliuokalani that he can see nothing but the wreck of his pet scheme and has acted accordingly. We do not anticipate that Admiral Beardslee will be called upon to exercise protection over American person or property, but should the emergency arise, we believe he would conduct himself as a loyal American citizen, and not as one anxious to interpret the spirit of orders by reading between the lines.

ABLE TO STAND ALONE.

Whatever turn events in the United States in which this country is concerned, may have taken since the last advice were received, the American people will find that the determined little Republic of Hawaii has from first to last pursued a careful and dignified policy which will rejoice the hearts of her friends and set at naught the schemes and intrigues of her enemies. Hawaii is today nearer annexation to the United States, not simply because it is something that is bound to come and each day that passes brings the day nearer, but rather owing to the fact that this country has demonstrated beyond all question its abilities as a governing power that cannot be twisted or shaken from its foundation by the first serious ill wind that blows across its political arena.

It is indeed cheering news which we are enabled to send to the States today. Not only has the backbone of the rebellion been broken, but the Government is slowly but surely twining its fingers of justice about each and every vertebra that has made up the miserably constructed spinal column and crushing them into a bone meal which carefully digested, will add new strength to the bone and sinew of a young and healthy republic. Not only this, our Government has struck at the very nerve centers and is dissecting the revolutionary animal in a manner that assures no earthly resurrection within the confines of Hawaii. Liliuokalani like her dictator friend Cleveland, has seen that politically she is a dead letter, and the less she dabbles in the affairs of the nation, the better for her and all who would follow in her footsteps. The actions of both have been repudiated by the people whom each swore to serve and protect with honor and dignity.

Hawaii seeing that she could not realize the moral support from a nation which ought to have something more than a simple feeling of friendliness toward her, has quietly steered for the open unaided and alone, and shown to the world that if worst comes to worst she can exist without the protecting influence of a friendly lee shore. Business, which during the first week of the rebellion was practically at a standstill, is going forward with a renewed energy, inspired by the increased confidence that for the first time in its history this country is in the hands of a Government that can deal properly with any internal strife that may arise. The military tribunal practically holds the fate of the nation in its hands, and it could not be with a more trustworthy body. The people have full and complete confidence in the outcome of the deliberations of this court. Every day the political prospects grow brighter. Royalism, as a subject for political division, is now a matter of history. Party lines may be drawn on the issue of annexation vs. the continuance of the Republic. The opposition to this all-absorbing object of American sentiment, should it happen to show its head, will, however, be buried as completely as has the royalist opposition to the existing powers.

The work of the military and civic supporters of the present Government will not be complete or its ardor diminished a degree until the stars and stripes float over the Executive building of Hawaii by order and with the full consent of the Houses of Congress and Chief Executive of the United States—representatives of the American people.

WHAT FOREIGN MINISTERS ARE FOR.

In general it may be said that a nation looks upon its foreign ministers as representatives of sister nations stationed at the capitol to transact such diplomatic business as it may be necessary to perform. The foreign minister is the working arm, so to speak, of the body of people from whom he derives his power, and to whom, as a resident among those people he claims alle-

giance. Outside the usual routine of his office, the foreign minister is looked upon to see to it, not only that his flag is respected, but to keep a careful watch over the lives and property of his fellow citizens who may have seen fit to cast their lot within the confines of the country where he is stationed. In his personality is condensed the dignity, the diplomacy, the business and commercial interests of a nation. It is a position of no small moment and calls for a man of discerning, well-balanced and careful mind.

In event of the threatening of any of the personal or national interests he represents, the foreign minister is in duty bound to make his personality as prominent as possible and bring to bear all the dignity and diplomacy which he represents to protect those interests.

So far as the internal affairs of the country do not directly concern him or his people, however, it is his business to keep as far in the background as he knows how, not attempting or having the appearance of attempting to influence the action of public men. In short it is manifestly his business to keep out, thoroughly and completely out of local politics, or legal and legislative proceedings never taking advantage of the fact that he is the resident figure head of an overpowering nation, to embarrass or have the semblance of embarrassing the action of men whom he has every reason to believe are conducting political or judicial affairs with proper deliberation and following the dictates of the national conscience they represent. It is not his business to dabble in local politics or go so far as to clothe himself with the dignity of his nation and give expression to personal views before the cabinet or any other officials of the Government.

When a foreign minister lowers his dignity to this point it becomes a question whether or not his recall would not be for the best interests of his home government and that within which he is exercising the powers delegated to him.

ANNEXATION AMONG HAWAIIANS.

Those who have petitions for annexation and, as they state, plenty of natives ready to sign them are waiting the outcome of the Military Commission before taking active measures to secure the native signatures. We believe this a questionable policy to pursue and that no time should be lost in bringing the native Hawaiian population to the front in this connection as soon as possible. Every day that passes increases the danger of widening rather than closing the breach that has arisen between the native and white population. The country has many weeds of discontent that have been sown by its internal enemies, to root out. Following the dethroning of Liliuokalani it was a very easy matter, by working upon a sentimental foundation, to create a feeling of enmity against what it has been seen fit to term the "missionary crowd," also to blind the rank and file of the native population to the honesty of purpose which prompted the action of those active in the formation of the Republic.

From first to last there has been no attempt to shut out the native population from a voice in the conduct of the Government by legitimate methods. Quite the reverse has obtained, the natives having been given full and untrammelled opportunity to come into the fold and exercise the full rights of citizenship at the polls. Many have seen the fallacy of holding out when the welfare of the race and nation was best served by the Republic, and none can gainsay that they have been rewarded equally with the whites who have stood shoulder to shoulder with them in the struggle to maintain good government.

Now that the fountain head of dissension has signified to her former subjects that they need no longer look to her as even a figure head, a field of action attended with salutary influences is opened

to the independent white and half-white element who, while they have had leanings toward royalty, have become converts to the cause of annexation and may become potent factors in undoing the pernicious work of many of those now in prison.

It is all important that political or social differences should not be drawn on the color line, and we would most strenuously urge that those who have annexation petitions and are in a position to carry on the missionary work successfully among the natives should push forward with all dispatch, and thereby guard against the possibilities with which the present high tension of political feeling is rife, always remembering that annexation is the all-absorbing object first and always.

EITHER ACCEPT OR LET ALONE.

As the Washington Star well says, the United States ought no longer to play the part of the dog in the manger to Hawaii. In commenting upon the action on cable matters, that paper says: "The country should either make a definite movement toward closer political and commercial relations, with ultimate annexation and the construction of a cable to San Francisco in view, or it should take a positive step in the course, which will permit the islands to pass, commercially at least, under English control. The abrogation, at the request of the islands, of a part of our treaty with Hawaii, which would doubtless be welcomed by American opponents of that treaty as the forerunner of its entire abrogation, and consent to the construction of British cable communication with the islands, would doubtless be construed as a step of the latter variety.

"But, at the same time, it would be unjust to the Hawaiian Republic to prevent the laying of a cable to the English North American possessions if we are to continue to deny hope of a cable to the United States, and to prohibit Hawaiian political intimacy with other nations if we are to continue to refuse closer political relations with this country. Those Americans who view the Hawaiian Islands as already practically part of the United States would doubtless favor some definite action by Congress which would prevent the grant of the cable lease, if made, from being construed as a surrender to the British interest in Hawaii; and then a decision of the request in respect to the cable upon the considerations which would arise if the island of which the lease is sought were legally American soil. Those who favor and expect to see accomplished the annexation of Hawaii will vote for nothing which they would not endorse if Hawaii were already annexed, or which will interfere in any way with the project of annexation. The cable proposition will doubtless be submitted by them to those tests."

The admirable letter of the Honolulu correspondent of the Washington Star, published in that paper of January 15th, stated very clearly the political situation here, at the time it was written, and the possibility of an outbreak in the near future. No statement could have been made more opportunely, as a prelude to the telegraphic news of the rebellion in Honolulu, which was published in the same Washington paper of the 19th inst. The public in that city had been so well posted in advance, that when the news carried by the Alameda reached there by telegraph, the exact situation here was known, and the collapse of all the plans of the deluded rebels foreshadowed with remarkable accuracy.

In a recent editorial the Salem, Oregon, Independent says: "Time and again have we seen Chamberlain's Cough Remedy tried and never without the most satisfactory results. When ever we see a person afflicted with hoarseness, with a cough or cold, we invariably advise them to get Chamberlain's Cough Remedy, and when they do they never regret it. It always does the work, and does it well." For sale by all dealers. Benson, Smith & Co. Agents for H. I.

First-class rubber stamps on short notice at the GAZETTE OFFICE.

COUNCILS IN SPECIAL SESSION.

New Act Relating to Immigration of Aliens Passed.

PAY OF MILITARY AND OFFICIALS.

President Dole Introduces an Act to Defray Expenses of Suppressing the Late Insurrection—Executive Session is Held, Etc.

Chairman Allen presided at yesterday's special session of the Advisory Council, which was held in the Foreign Office at 1:30 p. m., there being present with him President Dole, Ministers Damon, Hatch, Smith and King; Councillors Tenney, Keane, Bolte, Mendonca, Wood, Ena, Hosmer, Nott, Morgan, Castle, D. B. Smith and Emmeluth.

Secretary Rodgers read the minutes of the last session which were approved.

Committee appointed at last meeting on an "Act relating to the immigration of aliens and foreigners under contract services," recommended that the Act pass as it now stands. Report laid on table to be considered with the bill.

President Dole introduced a resolution which stated that the executive had decided on the following scale of wages for the volunteer forces and members of Citizens' Guard, who had taken part in suppressing the late trouble:

VOLUNTEERS.	
Privates, per day.....	\$ 2 00
Corporals " " " " " "	2 25
Sergeants " " " " " "	2 50

BATTALION OFFICERS.	
Lieutenant-Colonel Commanding, per month.....	\$50 00
Adjutant-General (rank lieutenant-colonel) per month.....	250 00
Major, per month.....	208 33
Adjutant (captain) per month.....	150 00
Sergeant Major, per day.....	3 00
Hospital steward, " " " " " "	3 00

COMPANY OFFICERS.	
Captain, per month.....	\$150 00
First Lieutenant, per month.....	125 00
Second Lieutenant, per month.....	116 88

CITIZENS' RESERVE.
Privates, per day, \$2, officers same as corresponding officers in volunteers.

REGULARS.
No change.
Guard in court house since expiration of ten days of field service, same pay as regulars.

The figures mentioned above as pay of volunteers and citizens' reserve are for first ten days of field service. Minister Smith stated that the Marshal had made up the bills for special police and Citizens' Guard at rate of \$2 per day without distinction to rank or service. The total amount equaled \$14,567. There were still over 100 men employed, divided into guards at barracks, station, and mounted patrol.

President Dole thought for this special service rendered the Citizens' Guard should be entitled to same pay as volunteers. It was more a matter of patriotism with the men than compensation.

Minister Damon said extra vouchers could be sent in at any time. After a general discussion the resolution introduced by the commander-in-chief of the forces relating to pay of those concerned in suppression of the rebellion was adopted.

President Dole introduced a resolution authorizing the Minister of Foreign Affairs to draw drafts on the treasury to defray expenses incurred through the late rebellion. Carried.

Act relating to immigration of aliens and foreigners was then taken up and read by the secretary. President Dole proposed an amendment to Section 4, by inserting the words "mills and factories" in the sixth line after the word "service."

Councillor Emmeluth thought those who desired should be allowed to employ any one they liked as domestic servants.

President Dole explained the intent of the amendment proposed by him, which was seconded and carried.

President Dole moved the further consideration of the bill go over until the next meeting. Mr. Emmeluth moved to further amend Section 4 by inserting after the word "dollars," in the ninth line, the words "for each alien or foreigner so brought in." A substitute offered by the Minister of Foreign Affairs and accepted by Mr. Emmeluth, made the amendment read "for each alien or foreigner so introduced or landed." Carried.

Mr. Emmeluth inquired of the Minister of the Interior why the prisoners could not go ahead with work on the roads.

Minister King replied that as soon as the Marshal would give the necessary permission they would go ahead. Minister Smith explained the crowded condition of the jails through out the islands and hoped to soon be able to relieve those confined by placing them out to work at different points.

Minister Hatch introduced an amendment to Section 3, by inserting after the word "dollars," in the fifth line, the words, "for each alien or foreigner introduced or landed in the Hawaiian Islands, or whose passage has been pre-paid, or whose introduction into this country has been assisted, encouraged or arranged for contrary to the provisions of Section 1 of this Act." Carried.

The bill was then read a third time and passed as a whole on a call of ayes and noes, without a negative vote.

At 2 35, on motion of the Attorney-General, the Councils went into executive session.

Timely Copies

January 30, 1895.

The necessity for a revenue cutter for Honolulu and vicinity has been materially felt during the past few weeks more than ever before. Nor will the feeling die out while opium is contraband. Scarcely a week passes but what some "long, low, rakish craft" is sighted off the islands by officers of the island steamers and the next we hear is that opium has fallen in price. Nearly every one believes that a revenue cutter would be a factor in reducing the quantity of the drug landed on these shores. It has long been said that if opium may be landed other things could be; from disclosures recently made the opinion may be changed to read: "if arms can be landed opium can." With a revenue cutter capable of making 12 knots an hour, there's no reason why, with the amount of information the Government receives from men at the coast, regarding the shipment of opium into this district, that the traffic could not be checked. There could be no "job" in providing for such a department because it could be let out on tenders, and the best bid accepted. There is no necessity for a large steamer, it would only be in the way, something about the size of and on the same lines as the Iwalani would answer the purpose admirably. Besides being used as a patrol it would be ready at all times for such emergencies as have been felt for a steamer during the past year or so. The Government has had to pay considerable money to transportation companies for steamers, and this sum could have been saved the Government if it had owned a cutter. If Necker island should be used as a cable station, there may be other occasions when a vessel of this character may be needed.

Did you ever see such a collection of beautiful pieces of Haviland China as we show in our window this week? Just examine the decorations and see their character! Oyster plates with delicate sprays of forget-me-nots twined in beautiful combinations of old gold and smylax around the edges. If you are giving a dinner your table will look better, and you will still more win the admiration of your guests if you have the dishes to set it with. If you will notice the illustrations in any of the magazines showing interiors of fine dwellings you will see on all the dressing tables pictures of a half dozen bits of China on a tray. These are known as Boudoir Sets and contain 11 pieces. We have them in chrysanthemum and Marguerite patterns, and sell them at \$4.50. They contain boxes for puffs, pins and all sorts of things used on a dressing case. Another pretty set is called "Solitaire" and is designed for the use of one person. It contains a sugar bowl, creamer, teapot and cup and saucer on a very pretty tray. They are decorated in really exquisite designs.

The dinner set shown in the upper window of our store is the handsomest in Haviland we have ever had. It contains 156 pieces and is rather different in design from anything we have ever imported. The decorations are in pure gold in a sort of scroll design. The coffee cups both large and small, are very pretty in shape, as are the rest of the dishes. This set is especially commended to people who entertain and who want a proper outfit for their tables.

The Hawaiian Hardware Co. Ltd.

Opposite American Bank, corner of Market Street.

LOCAL BREVITIES.

The Citizens' Guard will shortly be re-organized.

Joseph Luahiwa has been appointed a lieutenant of police.

New badges have been received by the sergeants of the Citizens' Guard.

Kahoomabele, a native, was arrested last night on a charge of conspiracy.

The hard rain of Wednesday night did severe damage to the fruit tree blossoms.

The Bishop Museum will be open today and tomorrow between the hours of 10 a.m. and 4 p.m.

The estate of the late C. O. Berger is valued at \$20,000. All the property is left to the widow.

Julian D. Hayne writes to a friend saying that he will soon return here along with his bride.

The wells being bored for the Government by McCandless Bros. have reached a depth of 400 feet.

Officials, clerks and visitors at police headquarters spend the evening hours in reciting reminiscences.

Bran sold as low as \$11 a ton yesterday at a sale held by Morgan. The feed came from British Columbia.

C. M. Cooke, G. W. Wilcox and Mrs. M. S. Rice recently presented the Hawaiian Board with \$1000 cash.

Wampole's tasteless preparation of cod-liver oil cannot offend the taste. Sold by the Hollister Drug Store.

It is not expected that a British warship will arrive for some time, as none are available except from the Chinese station.

Captain Cotton, Fleet Surgeon Winslow and Pay Clerk T. W. Arms paid a friendly visit to the Marshal last night.

Company B held a meeting last night. Seventeen names were proposed for membership, including a number of Hawaiians.

Captain Good and Lieutenant Oscar White have been added to the Military Commission in place of Captains Pratt and Ziegler.

At last advices Kona coffee was quoted at 18 and 20 cents a pound in the San Francisco market. A sale of 100 bags at the latter price was reported.

A letter has been received from Councillor Alex. Young resigning as a member of the Council. His successor will likely be elected at the next meeting of that body.

Minister Thurston is the father of a girl. The little stranger was born on the 17th inst., Hawaiian Independence Day. The news was wired to San Francisco.

Company B will present the widow of the late Charles L. Carter with a set of engrossed resolutions of condolence. The deceased was a member of the company.

Captain Henry C. Cochrane, U. S. M. C., who is attached to the U. S. S. Philadelphia, recently gave a stereoscopic exhibition in San Francisco. Many Hawaiian views were cast on the screen.

V. V. Ashford's objection to Captains Pratt and Zeigler will probably result in the appointment of two new officers to serve on the Military Commission while his case is being heard. The trial goes on again this morning at 10 o'clock.

The need of a revenue cutter is forcibly brought out in the Hawaiian Hardware Company's "Timely Topics" column this morning. They also have something to say about Haviland china that will not fail to be appreciated by readers of this journal.

The People's Ice and Refrigerating Company has elected the following officers: W. F. Allen, president; J. A. McCandless, vice-president; Edwin A. Jones, secretary; L. C. Ables, treasurer; T. W. Hobron, auditor.

The Friend for February is out and is a very interesting number. It contains some timely editorial matter and a brief, but well written account of the rebellion. The other departments are up to the standard.

On Wednesday night several persons noted a band of light starting from the moon and extending for a great distance into space like the tail of a comet, only not quite so bright. The light lasted for fifteen minutes and then gradually faded away.

Flag Lieutenant Fox, of Admiral Beardslee's staff, is well known in Honolulu, having served in the same capacity on the Mobern and Boston. Lieutenant Fox enjoys the confidence of a large circle of friends and acquaintances throughout the Islands and is deservedly popular.

Ex-Queen's Case.

The charge and specifications against ex-Queen Liliuokalani were served yesterday. The case against her will likely be heard early next week.

HE TELLS A DIFFERENT TALE.

(Continued from page 1.)

ness had planned to go to Hilo on December 28th; he left one day later in the Likelike.

At this point Captain Camara objected to the line of cross examination and the court sustained him.

Judge Advocate Kinney took another tack and resumed his questioning.

C. W. Ashford continued:—Don't remember any conversation with Nowlin about not going on Likelike Saturday; don't remember if Nowlin said anything about my going to Hilo; best of recollection brother said one hour at my house on Friday evening; not in Kapiolani Park on Sunday afternoon previous to reputed trouble on evening; drove out that way and met Alex Robertson and Kalanui; returned from Hilo by Kailua on first trip under new schedule; arrived about 4 o'clock in afternoon; saw brother before going home that night; talked but few moments with him about disposition of his cases in Hilo; can't say if brother came to my house that evening; telephoned to steamship office to know when Likelike would sail on Saturday.

Charles E. Dunwell:—Am native Jamaican, West Indies; been in Hawaii six years; am back driver; have driven defendant several times; drove last on Thursday evening, January 3, ordered by telephone to his residence on Punchbowl street; this was between 8 and 9 o'clock in evening; met Ashford few paces from his gate; he got in back and drove him by circuitous route to cottage back of Kersen warehouse; thick Sam Stone lives in cottage; Ashford remained in cottage fifteen or twenty minutes; he returned alone; drove back to his residence by same route as went out; was told to wait; Ashford went inside and remained three or four minutes; drove along Palace walk to Fort street and to Hollister's drug store; was dismissed and paid fifty cents fare there; Ashford went into store and witness drove off; been under arrest since 8th January.

Mr. Neumann asked Dunwell if he took part in rebellion. Objection was entered by Judge Advocate on the ground of irrelevance. Answer waived by defense. Dunwell continued: Don't know why was put in jail; (witness was asked to state to what he had been subjected while in prison.) Judge Advocate objected to question as it was not material to the issue. Court thought credibility of witness would be attacked if question was answered and the objection was sustained.

Cross examined:—Work for City Carriage Company; number of back is 28; answered no other call for Ashford that day; took no one else anywhere at his request.

William Woon:—Am officer of Hollister Drug Company; know defendant Ashford; best of recollection was in our store on Thursday evening, January 3d, after 6 o'clock; came to get surgical instrument case; my watch is from 6 to 8:30 in evening; Ashford stopped quite a while on account of my having to go upstairs for article he desired; after receiving package Ashford sat down on stool and talked; Colonel Soper came in and witness went to wait on him.

Cross-examined:—Ashford remained in store five to ten minutes leaning against show case talking with some one; he went out alone.

Re-direct:—Ashford said he was going to Walluku and wanted case to carry instrument in should he need it while traveling.

Percy Ashford:—Am son of defendant Ashford; live in Honolulu; was here Thursday after New Year; was at uncle C. W. Ashford's that evening; went there after 5:30; staid there until about 8 o'clock; father telephoned me to come home, as grandfather was tired and wanted to go to bed; father said he was sleepy and wished to retire; left my house five minutes after receiving message; took three or four minutes to get there on bicycle; father at home when I arrived; while going to bed saw father pass through my room and go into his; he blew out light and said goodnight to me; that's all I saw of him; witness went to bed shortly after 8 o'clock; if father wanted to leave house, would have to pass through mine and grandfather's room.

Cross-examined:—Remember time of leaving uncle's, because governess twitted me about having gone home so early; looked at clock and noticed the time to be about five minutes to 8.

At this point defendant V. V. Ashford took the stand in his own behalf. He gave his version of what occurred directly to the Court, with but few interruptions by his counsel.

His statement was substantially as follows:—Know Sam Nowlin casually since coming to country, now about ten years ago; never been on intimate terms with him; am practicing attorney; never worked for Nowlin on fee; he came to me and asked for information about the possibility of Washington Place being searched for arms, as testified by my brother; that was first time he came to me; knew Nowlin in military connection some years ago when attached to Honolulu Rifles with me; had arranged to go to Hilo to try cases there and at Walluku on December 28th; intended taking steamer in time to catch Hilo train; found couldn't do so and so notified clerk of court; heard Likelike would sail on Saturday on account carrying foreign mails; on Thursday night, December 27th, my son had been to brother's house; he told me his uncle was going to Hilo; called at brother's office next day, but failed to find him; went to his home; while there discussed court matters; thought no use both to go; C. W. didn't think his clients be willing take substitute, he was willing to do my work if clients made no objection; sent word on Saturday to C. W. would give him papers and him to look to my business; saw C. W. about 1:30 p. m. Saturday, December 29th, few minutes before Likelike sailed; he told me Nowlin been consulting him on course of action he taken should authorities search Washington Place for arms, and Nowlin come to me for further advice on subject, when arriving at office that forenoon clerk told me Nowlin seen there to see me; saw Nowlin at my office on Saturday afternoon after Likelike sailed; said liked see me, but was in hurry then, and like see me

following day (Sunday afternoon); on Sunday forenoon I took ride, as stated by Lee Tong; he told substantially correct story concerning ride; meeting of myself and Nowlin on Walkiki road was purely accidental, as he was to see me in office same afternoon; Nowlin motioned my back to stop; he asked if I would make any difference if he came to my house instead of office during afternoon, as would be shorter, no appointment been made to meet on road; listened carefully what he said about meeting and conversation with Nowlin on Walkiki road; am positive nothing said there of any nature except in relation to possibility of search being made of Washington Place for arms; not a word about political matters was said; what Nowlin stated in that regard is entirely without the semblance of truthfulness; made no statement to Nowlin about Davies having gone for arms; been friendly with Davies and acted as attorney for him previous to time he talked with me; had three claims to collect against Waimanalo from people at Koolau, among whom was Hugh Robinson, for having aided Davies when steamer was disabled in that locality; went to see Davies about those claims; he paid me but times hard, but would try to settle claim of Robinson soon as could do so; Davies was in my office on December 28th; he asked if any truth in statement about trouble going to take place; told him was not paying much attention to matters this sort, didn't think anything in it; at least no white man would go into it; Davies said thought something in rumor; told him if movement was confined to natives it would fail, and advised him to keep out of it; Davies replied he been sounded regarding matter; Davies is mistaken in saying I said anything about arms; I made no such statement; nothing said in our conversation about Davies going out get arms; remember telling him Government was strong and kept close watch; they had even searched your (Davies') vessel; never a word said about arms; Nowlin never mentioned anything about any outbreak to be made; in talk with Nowlin at my house he said queen had body guard ever since overthrow and they had arms; he thought place likely be searched and queen arrested and deported; advised him same as brother did, not to resist any legal search; that's all said at time; on Monday, December 24th, Nowlin came my office just as was leaving to go to court; said no new developments in matter; saw him again the next day at my office; this on Wednesday after New Year; asked Nowlin if heard of anything new regarding search being made of Washington Place; he replied had not; he asked my opinion about political situation; replied that have no satisfactory condition of things here until country was annexed to United States; told him no possible chance of restoration of monarchy; sentiment against such growing stronger day by day; what Nowlin testified about submitting plan of rebellion to me is utterly false; did tell him natives had no arms nor organization while on the island and Government had abundance of arms; not one syllable was said about Gullick, Rickard and Seward and others being concerned in uprising to be made; Nowlin said if natives rose they'd rise as one man; he implied that arms not necessary and could accomplish undertaking with clubs; he made many suggestions concerning possibilities in event of uprising; said suppose leaders of Government be captured and telephone offices taken to prevent alarm given movement could be made successful; he said regulars wouldn't fight anyway; I told Nowlin queen's son had set when she refused terms of Minister Willis; never heard of nor knew anything about being made Associate Justice of Supreme Court; thought when did hear it while in prison that was joke some one was trying to play about me; haven't spoken to queen since about time of election in 1890; was never asked by any one if would accept office; when Nowlin talked with me about possibility of uprising told him didn't think queen wanted any attempt made to restore her; surprised that any such foolhardy attempt as present one made. (Witness related interview with Marshal Hitchcock in which the Marshal stated the Government was fully prepared for any emergency that might arise. From this talk witness thought perhaps might be something in possible movement spoken of by Nowlin). Been in ill health for some months past; part of time was unable to walk; been under care of Dr. Brodie since October; was absurd to think I would take part in any such movement; was in no condition to go into the field if desired to do so.

Judge Advocate Kinney subjected Mr. Ashford to a lengthy examination, during which, however, but little of importance bearing on his action in the present case was brought out. Ashford read from his daily recollection time, place and substance of his meetings with Nowlin; he came to me in same manner as a person would seeking counsel from an attorney; Nowlin learned from brother and myself that he would not be justified in resisting any search warrant whether legal or not; didn't gather from conversation with Nowlin on Sunday that he came for anything else except about search of Washington Place; was understood between us if anything new turned up bearing on that matter he would call again; thought Nowlin came to see me for purpose of ascertaining my feeling regarding restoration of monarchy; told Nowlin if anything of kind was attempted would prove utter failure; did not give Nowlin at any interview the least assurance that I would take part in any movement that might be made; what I said to Nowlin was simply in way of advice at suggestion of brother, whom I was representing in the premises; don't know whether brother got any fact from Nowlin; nothing was entered in my books about what was said to Nowlin by me; he paid me no fee.

Mr. Neumann announced close of case for defense.

The Judge Advocate desired to introduce book from back office showing time back was ordered from City Carriage Company. The time marked in book was 7:30 p. m.

Mr. Neumann objected to the introduction of this testimony on the grounds that the case for the prosecution had closed, and that such evidence was not in rebuttal. He also made objection to time marked in book, claiming some change had been made in the figures.

The Judge Advocate wished to put the time of leaving back from stand to go to Ashford's house in evidence to rebut the testimony given by Percy Ashford that his father was at home at 8 o'clock the same evening and did not leave the house afterwards. If the boy's statement is true, then the testimony given by Dunwell of the time consumed in driving the defendant out to Sam Stone's, his stay there, return home and back to Hollister's, with time spent there and home again, would necessarily have consumed more time than thirty minutes.

The court and attorneys viewed the figures claimed to have been changed, but could not see that any alteration had been made, and Court ruled that book be allowed as evidence.

Manual Andrade:—Recognized the book as one kept at the City Carriage Company, where he worked; witness did not put down entry; didn't know who did; my duty is to make entries of all calls; during my absence, and when John Andrade, the owner, is there, he is authorized to make entries; six drivers on stand; they make entries in book when others are absent.

On cross-examination, the witness admitted that he could not tell who might make entries during his absence; no outsider had any right to do so.

The Judge Advocate announced that he would produce the man who made the entry if he had to call all the six drivers to testify.

After consultation, it was agreed to let the matter go over, and at 4 o'clock the Court adjourned until 9:30 Friday morning.

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LIST OF LETTERS

Remaining in the General Post Office up to January 31, 1895.

LADIES.
Atwood, F. Miss
Berlowitz, Mrs. (2)
Brooks, K. K. Miss
Baldwin, A. Miss
Cook, M. K. Miss
Day, J. Mrs.
Emmerson, J. S. Mrs.
Gullot, C. Mrs.
Hall, B. Mrs.
Hutchinson, E. Mrs.
Haddich, F. Miss
Knox, Mrs.
Knight, E. B. Miss
Long, T. Mrs.
McAuley, E. Miss
Ostorne, H. W. Mrs.
Parker, F. Mrs.
Raha, Mrs.
Tripp, H. S. Mrs.
Tripp, F. Miss
Woods, M. Mrs.

GENTLEMEN.
Allen, J. B.
Amato, T.
Andrew, R.
Barrow, A.
Boyd, T.
Bolsters, A. D.
Christy, T.
Duncan, M. C. M.
Delbridge, J. M. (3)
Frank, C. S.
Foster, A. H.
Gabriel, G.
Gerard, J. A. (3)
Halen, A. von
Hatch, H. H.
Hodgers, H. P.
Johanson, M.
James, E. W.
Jones, G. W.
Kayne, R.
Luthers, C. H.
Langley, A.
Leston, H. C.
Mason, H.
Mabrt, R.
McIntyre, D. C. (2)
McLean, E. W. (2)
Neil, J. A.
Peterson, J. H.
Peterson, C.
Purdie, J.
Kandolph, G.
Sandford, F.
Stern, J.
Sharrett, W.
Spooner, W.
Schroeder, H.
Smith, H. W.
Thoreen, G.
Thomas, M.
Valentine, W.
Wagner, T. J.
Wilson, G.

REPORTED.
1059—W. V. Lockwood
1146—A. Schneider
1247—Fred Schmid
1426—James Neilson

Parties inquiring for letters in the above list will please ask for "Advertised Letters."

JOS. M. OAT,
Postmaster-General.
General Post Office, Honolulu, January 31, 1895.

LEASE OF VALUABLE CITY PROPERTY AT AUCTION.

On Saturday, February 16 AT 12 O'CLOCK NOON.

I will sell at Public Auction, at my Salesroom, Queen street, all the right, title and interest of Lau Akan in the lease of Malie Kahai w., (deceased) to himself of

Premises Situated ON THE North-west Side of Maunakea Street, Honolulu.

The lot has a frontage of 110 1/2 feet on Maunakea street.

There are a number of Buildings on the lot which are sub-leased or rented to various tenants, bringing in a rental of \$80 to \$100 per month. The lease expires Jan 1st, 1906.

Terms Cash. J. F. Morgan, Auctioneer.

Jas. F. Morgan, AUCTIONEER.

In the Supreme Court of the Hawaiian Islands.

IN EQUITY.

DECEMBER TERM, 1894.

BILL TO REFORM A DEED, BEFORE JUDGE, C. J., BICKERTON, J., AND CIRCUIT JUDGE COOPER.

E. K. NAHAOLELUA ET AL. VS. KAAHAU (W) ET AL.

(Circuit Judge Cooper heard the case in place of Mr. Justice Frear, absent on account of illness.)

Plaintiffs in a bill to reform a deed, failed to show with sufficient certainty the description of the land conveyed to entitle them to the relief prayed for, but the Court, being of the opinion that the evidence showed that only a portion of Apana 4 of Land Commission Award 6245 was conveyed by the deed, and not the whole as claimed by the defendants, it was held that the plaintiffs and defendants were tenants in common of the apana and that the plaintiffs were entitled to a decree kindred to the one prayed for, and the case was remanded to the Circuit Court with leave to the plaintiffs to file a supplemental bill for the partition of the land.

OPINION OF THE COURT BY COOPER, JUDGE.

On the 13th day of September, 1873, the plaintiffs executed a deed to the defendant Kaaahu. The consideration for the deed was \$100.00 and the granting clause was as follows: "Nolala ma keia ke kuai nei maua a ke hoolilo loa aku nei no Kaaahu i olelo muna i i kela apana aina a pau loa e waiho la i Kamakela i Honolulu, Oahu, a iloko oia apana aina 266 ana 7 kapuai a nana ka helu i hoikeia 6245 a i ikeia ma ka inoa o Kalaekokei."

The principal contention between the parties is, that the plaintiffs' claim that the land sold and intended to be conveyed was but a small portion of Apana 4 of Royal Patent 1885 Land Commission Award 6245, while the defendants contend that the entire apana was sold and conveyed by the deed in question.

Apana 4 contains, according to the royal patent 1,704 of an acre, and the defendant adduced testimony to the effect that the measurement set out in the deed was by lineal measure and corresponded with the outside boundaries of the apana, while the plaintiffs endeavored to show that the area conveyed by the deed was only "266 apana and 7 kapuai" (266 fathoms and 7 feet) square measure, or about one-fifth of an acre, and also that the land conveyed was capable of being definitely located, and asked that the deed be reformed by inserting a description of the property by metes and bounds.

So far as the location of the land is concerned the deed may be said to contain a latent ambiguity; and parol testimony was admissible to make the description more definite in that respect. But we fail to find from the evidence that the plaintiffs accomplished this, further than fixing the general location to be within apana 4.

On the other hand we are of the opinion that the land conveyed was not the whole apana, but a portion of it only equal in area to 266 square fathoms and 7 square feet. There are many points in the case which support this conclusion. First, a fathom when used in the measurement of land is to be understood as meaning a square fathom, for in its common usage it is an integral part of a unit of land measure, and that it was so used in this case it is clearly shown by the deed itself. For had it been lineal measure that was meant, the result stated would have been 267 fathoms and one foot, as a fathom of lineal measure is six feet, while a square fathom contains 36 square feet. Consequently the expression "seven feet" must be considered as representing a fractional part of a square fathom. Secondly, the outside measurement of Apana 4 is but 189 fathoms and 3 feet which is too great a difference to be accounted for as a discrepancy in surveying. Thirdly, the inadequacy of the consideration. While this feature would not ordinarily be considered as sufficiently ground to set aside a deed yet in a case of this kind it is available to show the probable intent of the parties. The evidence on this point is not very clear, but sufficiently so to show that \$100 was far below the actual value of the whole Apana, at the date of the sale.

The difficulty with the plaintiffs' case is that the location of the piece is not shown with such certainty as would justify the reformation of the deed, as prayed for, but we are satisfied that the main point in the case, as to whether or not the whole Apana was conveyed by the deed should be decided in their favor.

As the parties have already been once at law in regard to this very transaction and were sent out of Court by nonsuit, we feel that they are entitled to some relief in this proceeding.

While adhering strictly to the rule that equity will not interfere where there is an adequate remedy at law, we are of the opinion that a decree of a kindred nature to the one asked for by the plaintiff may well be entered in this case; and we find that by the execution of the deed in question Kaaahu and the plaintiffs became tenants in common of Apana 4.

The plaintiffs being out of possession, under this ruling, we make no finding as to the claims of the other defendants, except as above.

This proceeding is remanded to the Circuit Court, with leave to the

plaintiffs to file a supplemental bill for the partition of the land.

Decree accordingly. Achi-Johnson for plaintiffs, appellants; Rosa-Barenaba for defendants.

Dated Honolulu, January 19, 1895.

BY AUTHORITY.

ACT 17.

AN ACT RELATING TO THE IMMIGRATION OF ALIENS AND FOREIGNERS UNDER CONTRACT OF SERVICE.

Be it enacted by the Executive and Advisory Councils of the Republic of Hawaii

SECTION 1. From and after the passage of this Act, it shall be unlawful for any person, company, partnership or corporation in any manner, whatsoever to prepay the transportation, or in any way assist, encourage or arrange for the importation, migration or introduction of any alien or aliens, any foreigner or foreigners into the Hawaiian Islands, under contract or agreement, made previous to the importation, migration or introduction of such alien or aliens, foreigner or foreigners, to perform agricultural or domestic labor or for service in mills or factories in the Hawaiian Islands; provided, however, that any person, company, partnership or corporation may bring aliens or foreigners into the Hawaiian Islands as aforesaid, upon receiving from the Board of Immigration its written approval of the contracts under which it is proposed to introduce such aliens or foreigners.

For the purposes of this Act all aliens and foreigners arriving within the jurisdiction of the Republic of Hawaii in any vessel, or, who, having so arrived, may be performing quarantine on shore, shall be deemed to be without the Hawaiian Islands, and the provisions of this Act regarding the importation, migration or introduction of aliens and foreigners shall apply such aliens and foreigners so arriving or in quarantine.

SECTION 2. All contracts or agreements which may hereafter be made by and between any person, company, partnership or corporation, and any alien or aliens, foreigner or foreigners, to perform agricultural or domestic labor or for service in mills and factories in the Hawaiian Islands, previous to the migration, importation, introduction or arrival of the person or persons whose labor or service is contracted for into the Hawaiian Islands, shall be void, except such contracts and agreements as shall have been approved by the Board of Immigration as aforesaid.

SECTION 3. For every violation of any of the provisions of Section 1 of this Act, the person, company, partnership or corporation violating the same shall forfeit and pay for the benefit of the Treasury for every such offense the sum of Three Hundred Dollars for each alien or foreigner introduced or landed in the Hawaiian Islands, or whose passage has been prepaid, or whose introduction into this country has been assisted, encouraged or arranged for contrary to the provisions of Section 1 of this Act, upon conviction thereof before a District Magistrate.

SECTION 4. The master of any vessel who shall knowingly bring within the Hawaiian Islands on any such vessel, and land or permit to be landed from any foreign port or place any alien or foreigner who, previous to embarkation on such vessel, had entered into contract or agreement to perform agricultural or domestic labor or service in mills or factories in the Hawaiian Islands, which contract or agreement had not been approved by the Board of Immigration as aforesaid, shall forfeit and pay for the benefit of the Treasury the sum of One Hundred Dollars for each alien or foreigner so introduced or landed upon conviction thereof before a District Magistrate.

SECTION 5. This Act shall not apply to immigration of laborers under contract under the provisions of the Convention between this country and Japan of January 28th, A. D. 1886.

SECTION 6. This Act shall take effect from the date of its publication.

Approved this 1st day of February, A. D. 1895.

(Signed) SANFORD B. DOLE,
President of the Republic of Hawaii.

(Signed) J. A. KING,
Minister of the Interior
1825-11

FOUND NOTICE.

D. KAIWIKULA has this day been appointed Poundmaster for the Government Pound at Mala, in the district of Lahaina, Island of Maui.

J. A. KING,
Minister of the Interior
Interior Office, January 23, 1895
1824-31

A. CHALMERS, Esq. has this day been appointed a member of the Road Board for the Taxation District of North Hilo, Island of Hawaii.

The Board now consists of
W. G. Walker, Chairman.
Manuel Brone
A. Chalmers.
J. A. KING,
Minister of the Interior
Interior Office, January 28, 1895
1824-31

L. M. BALDWIN, Esq. has this day been appointed an Agent to Take Acknowledgments to Labor Contracts for the District of Lahaina, Island of Maui.

J. A. KING,
Minister of the Interior
Interior Office, January 28th, 1895
1823-31

THE ANNUAL BUSINESS MEETING

Central Union Church Affairs in a Prosperous Condition.

REPORTS FOR THE YEAR READ.

Excellent showing in All Departments.
The Membership is on the Increase.
Dr. Hutchins' Efforts Appreciated.
Report on the Portuguese School.

The regular annual meeting of the Central Union Church was held Wednesday in the parlors of that church. The main business of the evening was the reading of church reports, which were voted placed on file and printed.

Mr. W. W. Hall, as church clerk, made the first report, as follows: 482 members of Central Union Church in regular standing, as reported Dec. 31, 1894; additions during the year 1894 by letters from other churches, 18; additions on confessions of faith, 11; making a total membership of 491; losses by dismission to other churches, 24; losses by death, 4; leaving on the roll of membership, 463.

Besides the figures just given, Mr. Hall's report contains other very interesting points.

"Notwithstanding the large number of members who have taken letters to churches of other denominations established in Honolulu, during the past year, so many have joined the church by letters and on confession of faith that our total membership has been increased by one."

"There have been thirteen infants and one adult baptized during the year."

"Although Central Union Church has had no settled pastor during the year, the usual Sabbath services and the Wednesday evening prayer-meetings have been regularly held and well attended."

"It was during the joy and excitement of the Fourth of July, when our new Republic first took her stand among the nations of the earth, that Rev. L. B. Penrose arrived here from the State of Washington, just before Mr. Penrose left us, on September 15th, Dr. R. G. Hutchins came to us from Southern California. For over four months he has gone in and out among this people and has filled the pulpit in a very acceptable manner."

"At a church meeting held December 10th, it was voted to send a call to Rev. Douglas P. Birnie, of Allston, Mass., to become our pastor, and we trust that in a few weeks we shall have a pastor settled over this church."

Mr. Lowrey, as treasurer of the church, read the following report: Receipts, \$4,080.94 and disbursements \$3,801.09, leaving a balance on hand of \$279.85.

The balance of \$101.64 on hand at the beginning of the year, stood \$100.37 to the credit of the Poor Fund, and \$1.27 to the credit of Incidentals. Of the receipts, \$139.50 was from the special collection taken up for Home and Foreign Mission work, which, with the balance referred to, deducted from the total receipts, leaves \$3,838.80, which was appropriated, fifty-five per cent. to the Hawaiian Board (in addition to the special collection); twelve and one-half per cent. to Poor Fund; twenty per cent. to Central Union Sunday School; five per cent. to District Sunday School; and seven and one-half per cent. to Incidentals. After making the payments there stands to the credit of Poor Fund, \$155.34, and Incidentals, \$124.51, which represents the balance now on hand, \$279.85.

Respectfully submitted,
F. J. LOWREY,
Treasurer Central Union Church, Honolulu, Jan. 28, 1895.

J. B. Atherton, treasurer to the Board of Trustees, reported receipts of \$5,940.24, and disbursements of \$3,910.03, leaving a cash balance on hand of \$30.21.

Mr. Atherton, as treasurer of the Building Fund of the church, reported also the receipts of \$2,749.53, and disbursements of \$2,474.18, leaving a cash balance on hand of \$275.35.

C. M. Cooke, as superintendent of the Sunday school, reported a total attendance during the year of 2,021, an average of 423 each Sabbath. On December 9th, 510, the largest number at one time, were present and on July 22d only 311, the lowest number, were present. The faithfulness of attendance on the part of teachers and those who have so ably assisted in the music is worthy of special mention and thanks. In place of receiving Christmas gifts this year, the children decided to give where needed. Their offering for this purpose up to December 18th amounted to \$103.25 with additional donations of \$156.

Wm. J. Forbes as Sunday school treasurer, reported total receipts of \$1728.03 and expenses of \$1550.49, leaving a balance on hand of \$177.54.

The report of Mrs. Hyde on the Women's Board of Missions contained a detailed account of missionaries that have called in this city from various places, of the addresses delivered before the Board by prominent persons, of the correspondence between this and other churches, and pamphlets sent and received, of the work on these islands, of Dr. Hutchins' address here, of the establishment during the past year of the free kindergarten and of other interesting points in connection with the work.

The report of the Missionaries, a society formed twenty years ago, was presented by Miss Belle F. Jones. In the lady spoke of the meetings as being specially interesting. The past year was spent in the support of four girls at Kawaiahaeo seminary and a native bible reader. It is the intention of the society to support others this year if possible. The annual membership has been twenty-four for this year, advancing seven over last year. The life membership of forty-four is one more than the previous year. This makes a total membership of sixty-eight for 1894.

The Makiki Sunday school report by Mrs. F. B. Snow showed a total of sev-

enty-one names enrolled, with an average of twenty for each Sunday. Chinese formed the largest proportion. The rest were Japanese, Portuguese and Hawaiians.

Dr. N. B. Emerson gave a very interesting report on the work among the Portuguese, the full text of which is printed below.

The progress in this Sabbath school during the year has been most encouraging, justifying the hopes and expectations of its friends and giving promise to still greater growth and usefulness in the future. When one considers what a numerically strong and prolific factor the Portuguese element is to our composite population, it needs no argument to prove the necessity of lifting to a higher plane of education and Christian civilization the individuals that compose it. The hopes of the statesmen and philanthropists alike for the future weal of the Republic of Hawaii are centered in the virtue, intelligence and religious enlightenment of its people, and especially of those who, like the Portuguese, are destined to be numbered among its permanent residents, citizens and voters.

It may seem almost a work of supererogation to adduce arguments in advocacy of the special needs of this work among the Portuguese. It may also be thought by some that the gain in Christian belief and character, which it is sought to confer upon the Portuguese colonists who come to our shores, is so slight and nominal as not to warrant the efforts made, or to justify the danger of antagonizing and irritating those among them who still cling to what is called the mother church. It seems, however, to the writer of this report that no one, however libeled he might be, would continue to be of that opinion after becoming acquainted with the facts of the case.

To adduce but a single instance or illustration: The superstitious observances of the so-called annual festival of the Holy Ghost (Espiritu Santo) are so abhorrent to all Christian ideas of the methods of imparting or receiving divine influence as to breed in one who looks into them feelings of aversion that must be akin to what Martin Luther felt when he denounced the sale of indulgences by John Fitel in the sixteenth century.

Among the added facilities that have been generously provided, either by means furnished by private individuals or by this church, in aid of the Portuguese Sabbath school and church—both of which are so closely linked together in their fortunes as to represent an important part of the Christian enterprise of this Central Union Church, should be mentioned the extensive repairs and additions made to the church building on Miller street during the year that has passed.

The result has been a substantial gain in convenience and in seating capacity, a change much appreciated by the occupants, who meet there for divine service each Sunday morning, and who likewise come together at the same place for Sabbath school in the afternoon. This increase of seating capacity, however, has not been so great as to be much ahead of the growth of the school, and the time is close at hand, if it has not already arrived, when still greater accommodation will have to be provided in order to give the classes that elbow-room, freedom and separation from each other which are required for efficient class work.

As an offset to the loss sustained in the school by the departure of Miss Arcina Fernandes to her home in Illinois, should be mentioned the reinforcement of the school's strength by the arrival of Miss Laura Pires from Jacksonville, in the same State, who comes well equipped mentally and morally to carry on the work done by her predecessor in conducting the kindergarten during the week, and in helping to conduct the primary department of the school on Sunday.

She was accompanied by Mrs. Tarbell and by John Ferreira, her brother, to the latter, both of whom have strengthened the school by enlisting as teachers.

The recent departure of Mary Ferreira to Ewa, to take a position as teacher of a Government school newly established in that district, while to be reckoned as a loss to the Portuguese Sabbath school in Honolulu, from a higher point of view is to be counted a great gain, as being a practical illustration of the old proverb: "There is that scattereth abroad yet increaseth." She goes forth with the expectation of soon being able to start a much-needed Sabbath school work in the district that is to be her home.

Among the public exhibitions and entertainments which the school has enjoyed during the year, largely as a result of the bounty of the church, should be mentioned the Easter and Christmas festivals, which were occasions that emphasized the dramatic and lyric talent that naturally belongs to the Portuguese people and at the same time marked the growth of the school in Bible knowledge.

The school also very much enjoyed the annual outing and picnic which it took in August at Independence park.

On behalf of the school, the superintendent desires, at this late date, to return thanks to the superintendent of the Oahu Railroad for kind accommodation in the way of cheapened transportation, and to the many friends who on that occasion, as well as on other occasions, freely gave their personal services or provided substantial material for entertainment.

I am informed by the treasurer of the Portuguese Sabbath School (Mr. A. F. Cooke), that the school has been aided by this church in providing the entertainments above mentioned to the amount of \$35, of which sum a small balance still remains unused, which it is proposed to use in the purchase of books for the school.

The collections made by the school during the year amount to the sum of \$47.61.

I am happy to state that Mr. William A. Bowen has kindly consented to enter upon the duties of superintendent in my place.

N. B. EMERSON
Honolulu, Jan. 29, 1895.

After benediction by the pastor, the meeting adjourned.

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The ADVERTISER is the leading daily paper of the Hawaiian Islands. It has a larger circulation and advertising patronage than any paper published in the Hawaiian Islands. Telephone 88.



Mrs. Isa Griggs. Ennis, Texas.

The restoring and invigorating properties of Hood's Sarsaparilla, combined with its power to vitalize and enrich the blood, render it peculiarly adapted for all troubles peculiar to women, that tired feeling, or debility, caused by change of season, climate or life. Many weak women have found in Hood's Sarsaparilla just the blood purifying and vitalizing properties so much needed at the critical time of life. It invigorates the system and all the organs to healthy action and endows the body with renewed vigor and perfect health. Such was the experience of Mrs. Isa Griggs, whose letter follows:

"Ennis, Texas, Sept. 22, 1894.
"C. I. Hood & Co., Lowell, Mass.:
"Dear Sirs: I feel it is courtesy due to you to state what Hood's Sarsaparilla has done for me. About fifteen years ago, I overcame the use of morphine discontinued, but it was not so decreed. I broke out with boils from the punctures and some of the places had proud flesh in them for a month or so. Last winter I commenced to have those risings again. I was taking eight punctures a day, a total of one and one-half grains of morphine. Last June I began to take Hood's Sarsaparilla. I have taken over seven bottles of the medicine and also several boxes of Hood's Pills. When I commenced taking Hood's Sarsaparilla I weighed only 112 pounds. Now I weigh over 125 pounds and am in better health than for the past fifteen years. I am now approaching 50 years of age. Formerly I was covered with eruptions; now my skin is clear of them. I can truly say Hood's Sarsaparilla has no equal for poor run-down women. I am well known here in Ennis, and am a native of Texas. Every one who has not seen me for a long time remarks about

"How Well I Am Looking."
I had a severe attack of the grip last winter. I continued to take Hood's Sarsaparilla, and with benefit. Whenever I find my health giving way I shall resort to Hood's Sarsaparilla." MRS. ISA GRIGGS.

Hood's Pills cure nausea, sick headache, indigestion, biliousness. Sold by all druggists.

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In the Supreme Court of the Hawaiian Islands.

DECEMBER TERM, 1894.

BEFORE JUDD, C. J., BICKERTON, J., AND COOPER, CIRCUIT JUDGE WHO SAT IN PLACE OF FREAR, J., ABSENT FROM ILLNESS.

HANG FOOK, PLAINTIFF IN ERROR, VS. THE REPUBLIC OF HAWAII, DEFENDANT IN ERROR.

WRIT OF ERROR.

In a charge of Selling Opium against two defendants, one receiving the money and the other delivering the opium, they having a full knowledge and understanding of what each was doing, the sale was complete; as they both "took part" they were both guilty.

Where several join in an offence they may be jointly or severally indicted.

The fact that several are indicted jointly renders the indictment none the less an indictment against each of them individually.

The Court will not reverse a verdict on error where the record shows that it was based on the credibility of witnesses or the weight of evidence.

OPINION OF THE COURT BY BICKERTON, J.

The plaintiff in error, Hang Fook, and one Ah Kan, were charged jointly and convicted in the District Court of Honolulu, on a charge of selling and furnishing opium contrary to law; an appeal was taken to the Circuit Court of the First Circuit and the case tried at the August Term of said Circuit Court with a jury on the same charge as that made in the District Court, the verdict being a unanimous one of guilty. A motion for a new trial was made by Hang Fook, which was denied, and exceptions were taken to the denial of said motion, which exceptions were heard by this Court and overruled, and the matter is now here on a writ of error, allowed by this Court and addressed to the Clerk of said Circuit Court.

The assignments of error are—

First, "That the record shows that the petitioner and said Ah Kan were jointly charged with and convicted of selling opium contrary to law, whereas the plaintiff in error claims that there is in law no such joint offence."

Second, "That the record shows that the petitioner and Ah Kan were jointly charged with and convicted of selling opium contrary to law, whereas the plaintiff in error claims that the evidence in the case as shown by the record fails to show that any such joint offence was committed."

As to the first error assigned, the counsel for Hang Fook in his brief says—"The first error assigned is upon examination of the cases not especially relied upon." We are of the opinion that it cannot be relied upon. The rule is that where several may join in the commission of the offence they are properly united in the same indictment.

Com. v. Tower, et al., 8 Met. 527.

Our statute also provides that "All who take part in the commission of any offence . . . shall be deemed principals therein."

Penal Code, Ch. 5, Sec. 1.

In selling or dealing in opium there is nothing to prevent several persons taking part in the sale, thereby taking part in the commission of an offence. This might be illustrated in many ways.

As to the second error assigned. It appears from the evidence that one Chun Choy (an informer) visited the house of Hang Fook and Ah Kan on two occasions within one hour on the night of July 12th, 1894; the first time he purchased 50 cents worth of opium from Hang Fook, who delivered it to him. The money was put in the tray, Ah Kan was laying on the floor, but had previously opened the door for Chun Choy. The second time he went, the same man Ah Kan opened the door, there were three or four men in the room,—he asked Ah Kan where Hang Fook was, he answered that he was in the back room and asked what Chun Choy wanted; he told Ah Kan he wanted to buy more opium and gave him 50 cents. Ah Kan then told Hang Fook to give him the opium, which he did. Hang Fook heard what was said, for he was only a short distance off, from the description given—only a very few feet. Hang Fook told Ah Kan to take the money and then delivered the opium himself. The money that was paid was marked and afterwards came from the possession of Ah Kan. The evidence of Ah Kan corroborates the testimony of Chun Choy as to the second sale, he having gone with Chun Choy on that occasion and remained on the veranda but saw and heard all that took place. The evidence of Ah Kan is clear and positive as to the fact that Chun Choy was there that night and bought opium from Hang Fook, but Ah Kan denies that he had anything to do with the sale, but admits that Hang Fook told him to take care of the money for him. In our opinion the evidence clearly shows that the two defendants acted in concert with a full knowledge and understanding of what each was doing. A charge of selling opium against defendants we hold that if one lived the money and the other delivered the opium for which the money was paid, with a full knowledge and understanding of what was doing the sale was complete, and as they both "took part" they were both guilty. "If several engaged in the commission of the offence, they may be joined in the same indictment, or may be separately indicted." 1 Archibald

(Waterman) p. 315 and cases there cited.

It is contended by the prosecution that it is immaterial whether the sale was made jointly or by Hang Fook alone, as it is well settled that in an indictment against two or more the charge is several as well as joint, and cites a number of cases in support.

These cases support this contention. In a very recent case from Rhode Island decided December 1892 it was held that "where several join in the commission of an offence they may be indicted either jointly or severally, but the fact that they are jointly indicted renders the indictment none the less an indictment against each of them individually." See State v. O'Brien et al., 25 At. Rep. p. 310.

We are of the opinion that the evidence in the case as shown by the record, not only shows a sale by Hang Fook alone, but also a joint sale by Hang Fook and Ah Kan, on the date charged.

Sec. 5 of the Act "to define Writ of Error," laws of 1892, p. 272, reads: "There shall be no reversal on error of any finding depending on the credibility of witnesses or the weight of evidence." The verdict of the jury in the case at bar could only have been based "on the credibility of the witnesses or the weight of evidence." These are matters for exception; but there might be a case where there was no evidence to support the verdict, and then a writ of error might be the proper method of procedure; but, in the case at bar, there is considerable evidence on which the jury could find the verdict they did.

The writ is denied.

Hartwell-Ashford, for plaintiff in error.

Deputy Attorney-General Robertson, for defendant.

Dated Honolulu, January 19, 1895.

In the Supreme Court of the Hawaiian Islands.

DECEMBER TERM, 1894.

BEFORE JUDD, C. J., BICKERTON, J. AND COOPER, CIRCUIT JUDGE WHO SAT IN PLACE OF FREAR, J. ABSENT FROM ILLNESS.

W. C. ACHI VS. J. ALAPAI AND MARY ALAPAI.

Appeal on points of law from District Magistrate of Honolulu.

An affidavit in replevin required by subdivision 3 Sec. 2, Chap. 34 Laws of 1894, following the Hawaiian version, is sufficient,—it not appearing to the Court that there is any radical and irreconcilable difference between the English and Hawaiian versions of said statute.

Defects in an affidavit in replevin do not affect the cause of action itself,—only the right to obtain immediate possession.

OPINION OF THE COURT BY JUDD, C.J.

The plaintiff brought an action in the District Court of Honolulu to recover possession of a horse and claimed and obtained its delivery to him upon an affidavit. The defendant J. Alapai disclaimed all interest in or possession of or control over the horse. The defendant, Mary Alapai, moved that "the case be stricken from the calendar and dismissed for that the conditions precedent to the issue of a writ of Replevin under the provisions of the statute have not been complied with." The motion was granted and the plaintiff appealed to this Court on the point of law involved. Objection is made by defendants' attorney that the appeal is not perfected in that the certificate of appeal does not distinctly set out the point of law appealed from. We think that it does. The motion to dismiss is in writing and it sufficiently appears therein what the law point appealed to this Court is.

Counsel for defendant has indicated the particular condition precedent which he says has not been complied with—the non-compliance of plaintiff's affidavit with subdivision 3 of Sec. 2 of Chap. 38 of the Laws of 1894 respecting actions to recover personal property. This reads in the English version—"The affidavit must show that the property 'has not been taken for a tax, assessment or fine pursuant to statute,' &c. The Hawaiian version is 'Aole i laweia na waiwai nei no kekahi sie a hoopai paha e like me ke kanawai.' &c."

Counsel for defendants contends that the phrase in the English version that the property has not been taken for "a tax, assessment or fine pursuant to statute," is not complied with by the allegation that the property was not taken "no kekahi sie a hoopai paha e like me ke kanawai." He claims that the word "Aie" which literally means a "debt," and the word "hoopai" which literally means a "fine," do not express the phrase a "tax, assessment or fine."

It is evident that the translator of the statute took the general word "aie" as expressing the idea of the two English words tax or assessment. We think it well might mean them. "Aie" means in its context, an obligation, an owing or an indebtedness created by law. If a person's property is taken for a tax or assessment in pursuance of law it can only be so because he has incurred some obligation therefor. At any rate the Legislature considered the two expressions in the several versions of the statute to be equivalent and we do not find that the difference between them is so radical and irreconcilable as to compel us to hold that the English version should

control. We think the affidavit was sufficient.

But it was error to dismiss the cause even if the affidavit did not comply with the statute. Reference to the Statute of Replevin makes it clear that the proceedings by which a plaintiff may obtain immediate possession of personal property for which he brings action to recover are entirely independent of such action. He may not desire the immediate possession of the property and not file any affidavit. In such case the action would proceed and the title to the property be tried. The legal effect of a defective affidavit in replevin would be merely to annul the delivery taken in pursuance of it. The legality of the seizure is the only question involved and not the right in the property. We so held in *Ah Leong v. Kee Yon*, 8 Haw. 418.

The appeal is sustained and the cause remanded to the District Court of Honolulu for further proceedings.

W. C. Achi for plaintiff; V. V. Ashford for defendant.

Honolulu, January 2, 1895.

AN AMUSING INCIDENT.

How Minister Thurston Surprised His Fellow Passengers.

Lorin A. Thurston, Hawaiian Minister to the United States, was the victim of an amusing incident on the trip of the *Aurania*, on which he was a passenger, says the *Washington Star*. Although the child of New England parents, the tropical sun of Hawaii has made Mr. Thurston very brown. During the first half of the voyage of the *Aurania* he was compelled to remain in his room on account of seasickness. His first appearance on the vessel was made at a concert. Some one suggested that he make a speech, and he promptly arose and bravely delivered an address in the Hawaiian language.

Although no one understood him he received much applause, though several of the passengers made jocular remarks in English, which it was thought he would not understand. At the request of some of the passengers he sang the national anthem of Hawaii. Then an effort was made to inquire of him why he had never learned English, but the Minister only looked at his questioners with a blank expression on his face. Finally the absurdity of the affair caused him to burst into a hearty laugh. Then he astonished as well as embarrassed some of his fellow passengers by delivering a few choice sentences in English. Those who were inclined to chaff the supposed Kanaka thought the show was on the wrong foot.

The Birds Whistled "The Dead March."

"E'en the birds on the trees learned to whistle the 'Dead March.'"

It was an old soldier who was talking. "We were in camp," he said, "in a flat, marshy part of the country. Our Colonel was a splendid fighter, but didn't appear to have any idea of sanitary matters. Just then we were in more danger from disease than from the enemy. Presently fever broke out and the men died by the dozen. Hardly a day but we buried some of them in the swamp. In fact, we played the 'Dead March' so often that I used to fancy the birds in the trees had learned to whistle it. 'Awful sorry, you know, boys,' said our Colonel, 'but so long as we have to stay here we can't help having the fever.' Yet the Colonel was wrong, as another regiment camped near our camp, and they had no fever. Their commander forbade the malaria with sanitation and preventive medicine. That made the difference."

In January, 1892, the influenza was epidemic at Stebbing, near Chelmsford. Among the persons attacked were Mrs. Abram Thorogood, of White House Farm, her daughter Annie, and her sons William and Earnest. They had terrible pains in the head, sore muscles and joints, and were very feverish. The whole four—mother and three children—were confined to their beds. In a letter on the subject Mr. Thorogood says: "My wife became quite delirious; she did not know where she was, and could neither get in nor out of bed. I gave Mother Seigel's Curative Syrup to all of them with excellent results; the fever soon left them, and shortly they were well and strong as ever, and have since remained so. I may mention that many neighbors and friends had the same complaint as my wife and family, but although the others had doctors and the best attention and advice, none recovered so rapidly as my people did. I thank God that I came to hear of Mother Seigel's Curative Syrup, for although we are a family of seven, living at home, during the eight years I have kept it in the house we have not needed a doctor, thus saving many pounds in doctor's bills and costly prescriptions."

"The way I first used Seigel's Syrup was this: In the spring of 1883, I began to feel ill and out of sorts. My tongue was dreadfully coated and a thick yellow covered my gums and teeth. After eating I suffered from pain at the chest and stomach. I had bad nights and sweat so much that in the morning my underclothing was soaked with moisture. In the following August, carbuncles broke out on the back of my neck, on my nose, and on my face. What I suffered I cannot describe. I got so low and weak that I could barely crawl about. The doctors did me no good. And after their physic I might as well have taken tea or water. In pain and suffering I lingered on until I heard, through a neighbor, of Mother Seigel's Curative Syrup and got a bottle from Mr. W. Linsell, grocer, of Stebbing. A few doses relieved me, and soon the carbuncles disappeared, and I was well as ever. Yours truly, (Signed) ABRAHAM THOROGOOD, White House Farm, Stebbing, Chelmsford, August 19th, 1892."

In Mr. Thorogood's own case the disease was indigestion and dyspepsia, which poisoned his blood and caused the carbuncles, which are growths on the underlying layers of the skin. After the Syrup had purified his blood they are absorbed and expelled from the system. The effect of the remedy in the cases of the other members of his family shows (what we have often stated, viz., that influenza attacks those whose blood is filled with the poisonous acids thrown into the system by fermented food in the stomach. Mr. Thorogood says his wife had been troubled with indigestion and dyspepsia, which was no doubt the cause with the children also. Don't allow your blood to become a breeding-ground of disease. On the first signs of indigestion take Mother Seigel's Curative Syrup. You know the proverb about the ounce of prevention.

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